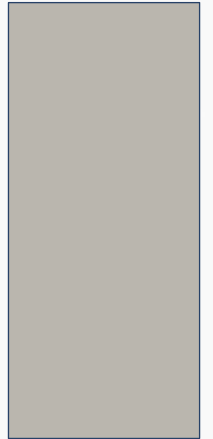


JUVENILE JUSTICE AMENDMENTS

HB 239, REP. LOWRY SNOW



JJ WORKING GROUP

- Established at the request of leaders of all three branches of Utah government.
- Directed to examine the JJ system, identify opportunities for improvement, and make policy recommendations.
- Directed to analyze data and research as part of this examination of the JJ system.

JJ WORKING GROUP

JJ Working Group Charge:

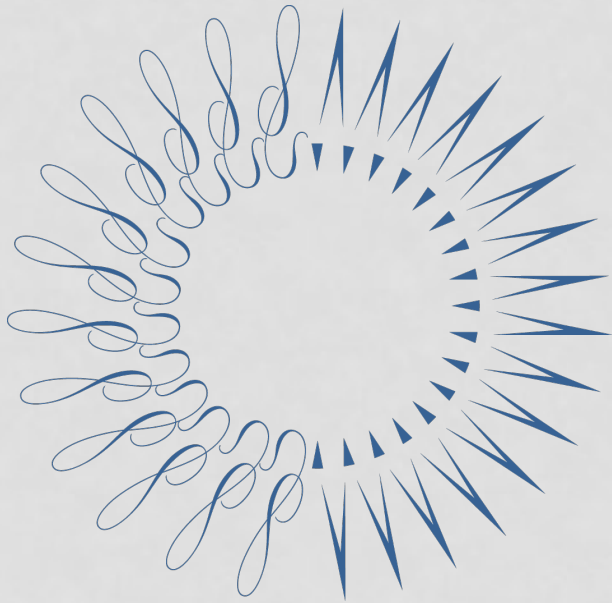
- Promote public safety and hold juvenile offenders accountable
- Control costs
- Improve recidivism and other outcomes for youth, families, and communities

Provide recommendations that will be used as the foundation for statutory, budgetary and administrative changes to be introduced in the legislature during the 2017 session.

WORKING GROUP MEMBERSHIP

- Ron Gordon, CCJJ (chair)
- Sen. J. Stuart Adams
- Sen. Todd Weiler
- Rep. Eric Hutchings
- Rep. Lowry Snow
- Judge Michelle Heward
- Judge James Michie
- Judge Ryan Evershed
- Steve Anjewierden, Unified Police Department
- Susan Burke, DHS Division of Juvenile Justice Services
- Charri Brummer, DHS Division of Child and Family Services
- Darin Carver, Weber County Human Services
- Maria Garciaz, NeighborWorks Salt Lake
- Carolyn Hansen, Associate Director, Salt Lake County Division of Youth Services
- Steve Kaelin, Alternative and Adult Education Specialist, Utah State Board of Education
- Troy Rawlings, County Attorney, Davis County
- Dawn Marie Rubio, Utah Juvenile Court Administrator
- Doug Thomas, Director, Division of Substance Abuse and Mental, DHS
- Pam Vickrey, Executive Director, Utah Juvenile Defender Attorneys

TECHNICAL ASSISTANCE PROVIDER



THE

PEW

CHARITABLE TRUSTS

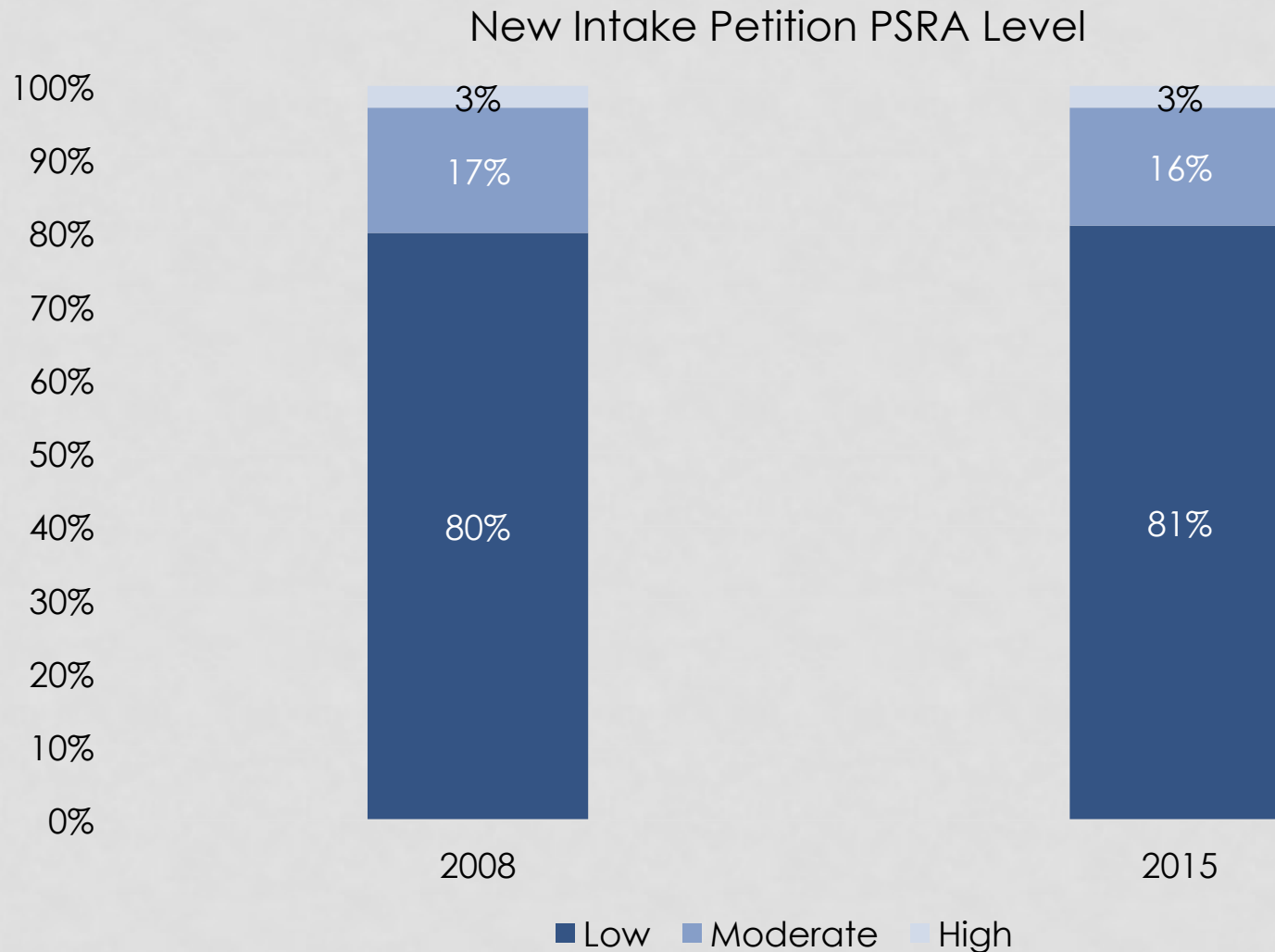
32 STAKEHOLDER ROUNDTABLES

- JJS Secure Care APDs
- JJS Secure Care Staff
- JJS Secure Care Youth
- Probation officers
- Probation supervisors
- Probation chiefs
- Juvenile Defense Attorneys
- Education—Pre-Court
- Education—Facilities
- JJS Rural Services APDs
- Families
- DCFS Staff
- Secure Detention Staff
- Secure Detention Youth
- JJS Long-Term Secure Staff
- JJS Long-Term Secure Youth
- Work Camp Staff
- Work Camp Youth
- Community Partners
- Youth Services Staff
- Judges
- Prosecutors
- Probation youth
- DCFS Youth
- Victims
- Tribal
- JJS Proctor Care Youth
- Law enforcement

UTAH DATA FINDINGS

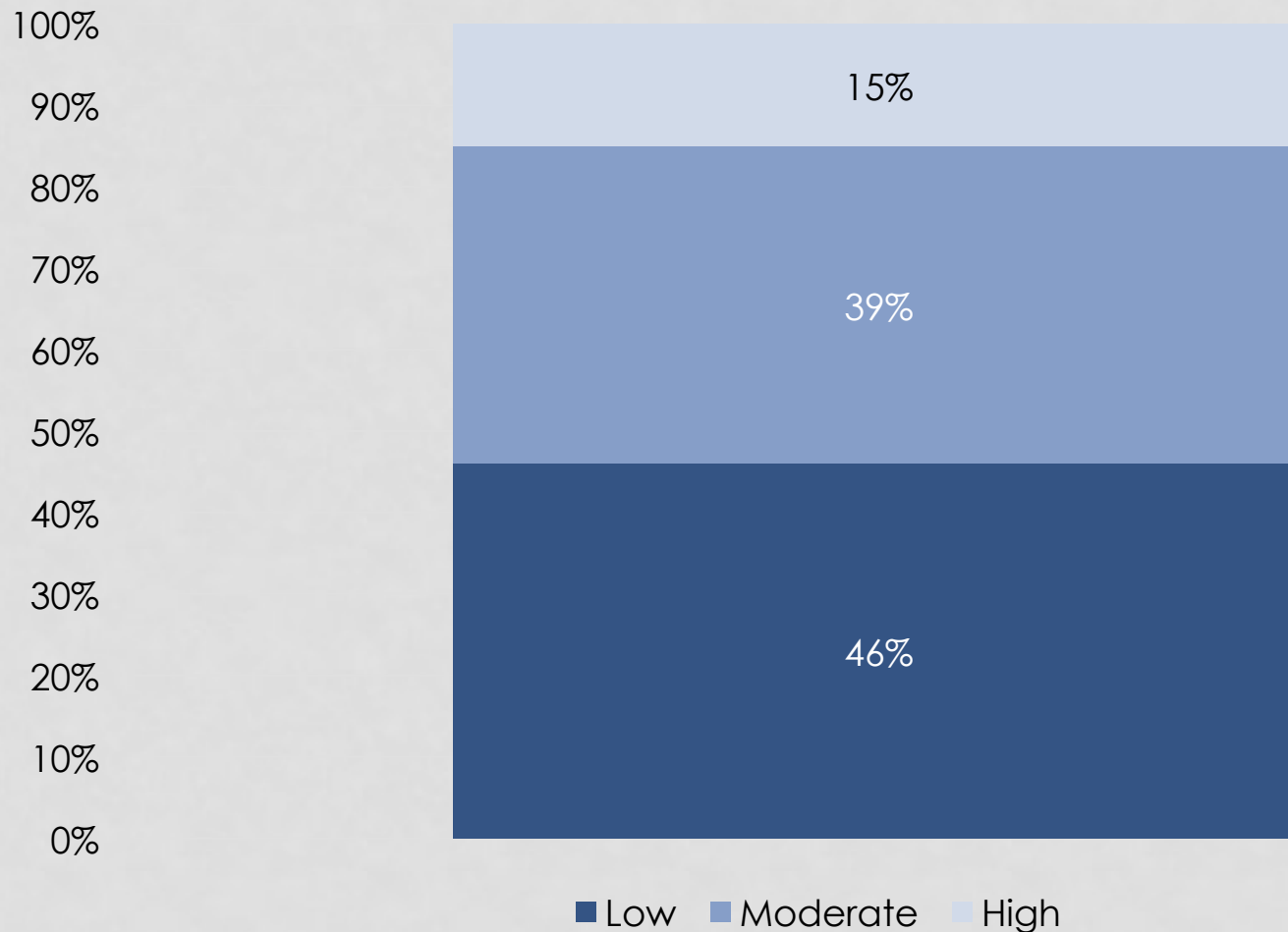
RISK LEVEL

MAJORITY OF YOUTH WITH PETITION AT FIRST INTAKE ARE LOW RISK

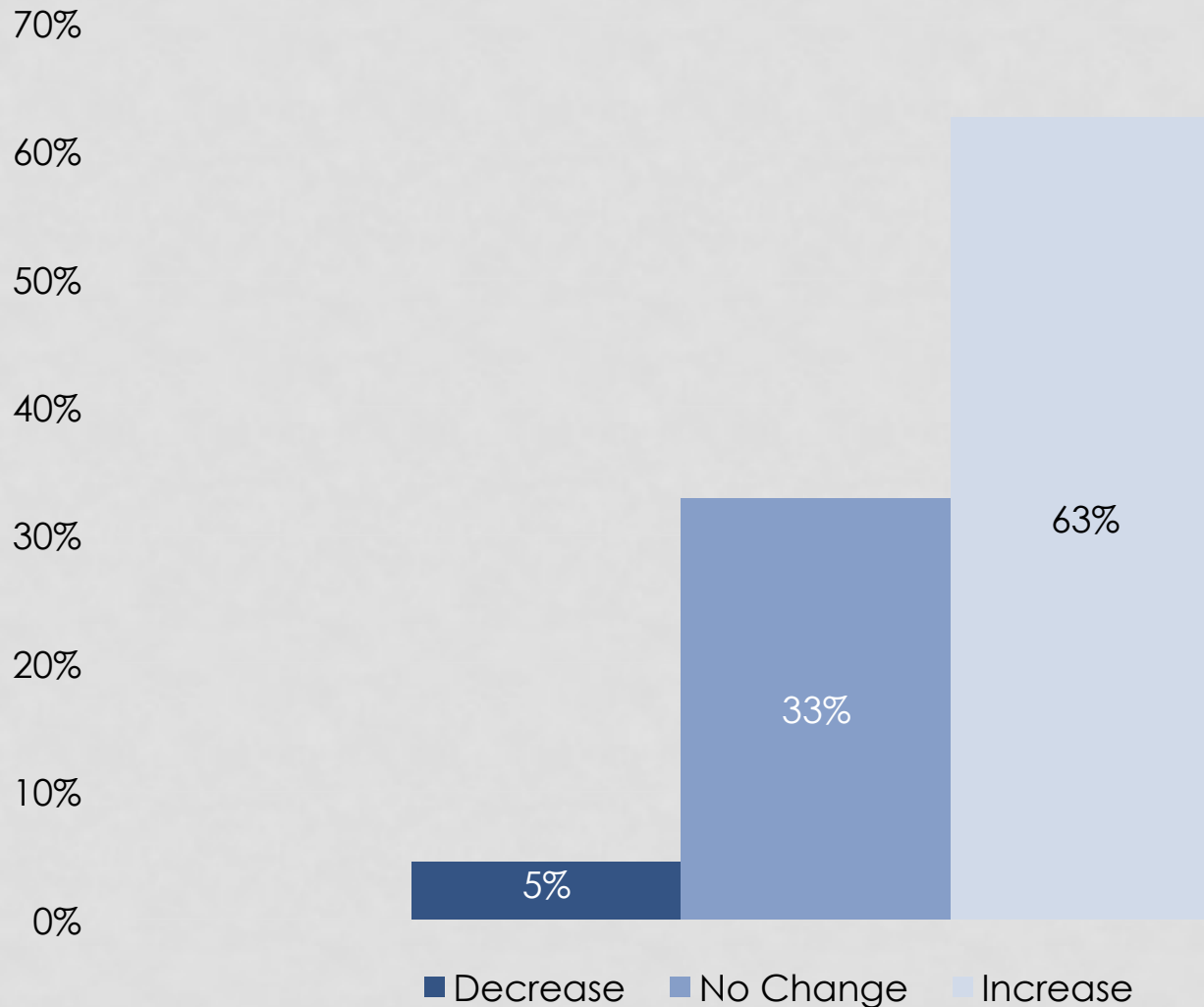


NEARLY HALF OF ADJUDICATED YOUTH ORDERED TO DETENTION AT FIRST INTAKE ARE LOW RISK, JUST 15% HIGH RISK

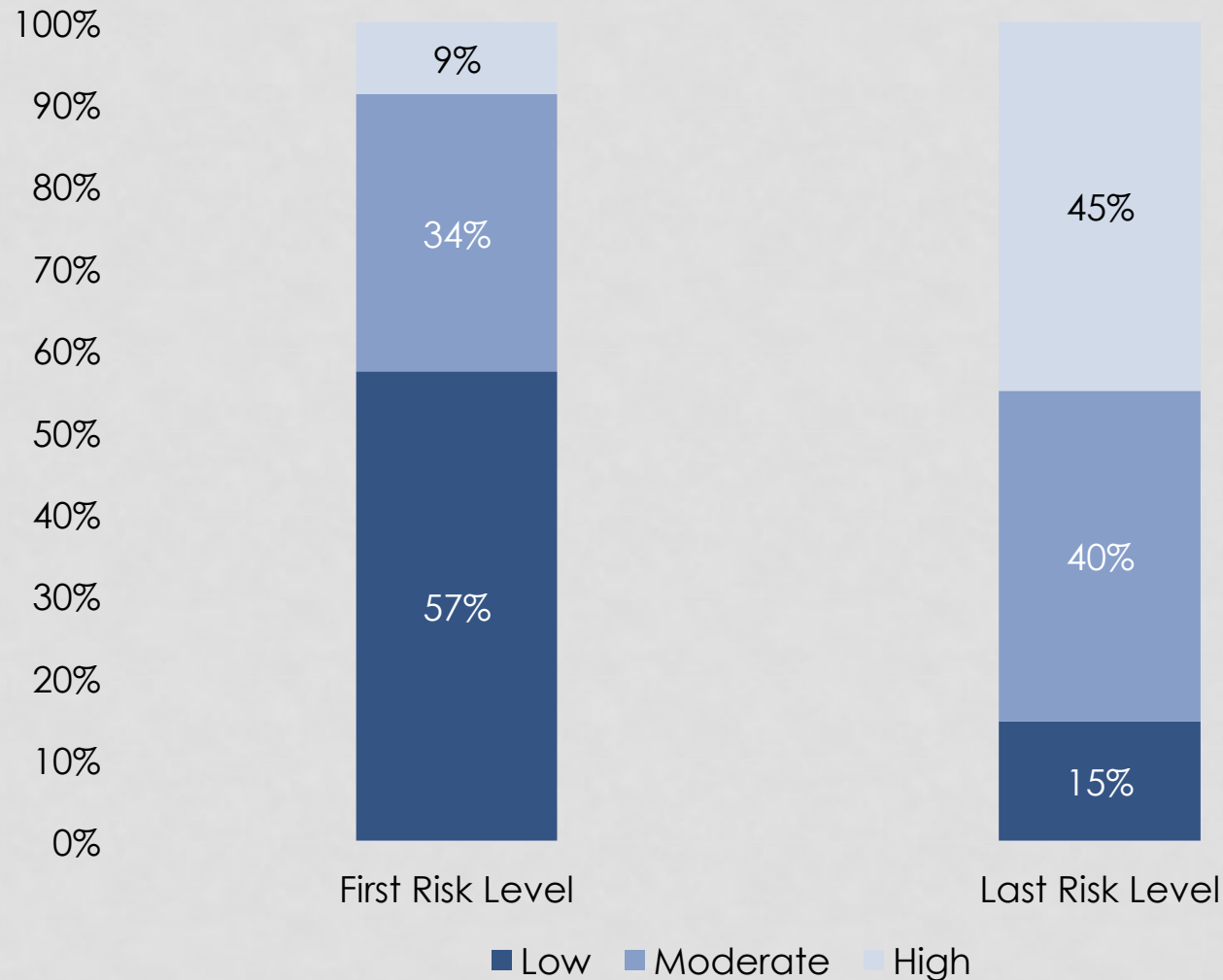
PSRA Level - Detention Disposition at First Intake, 2015



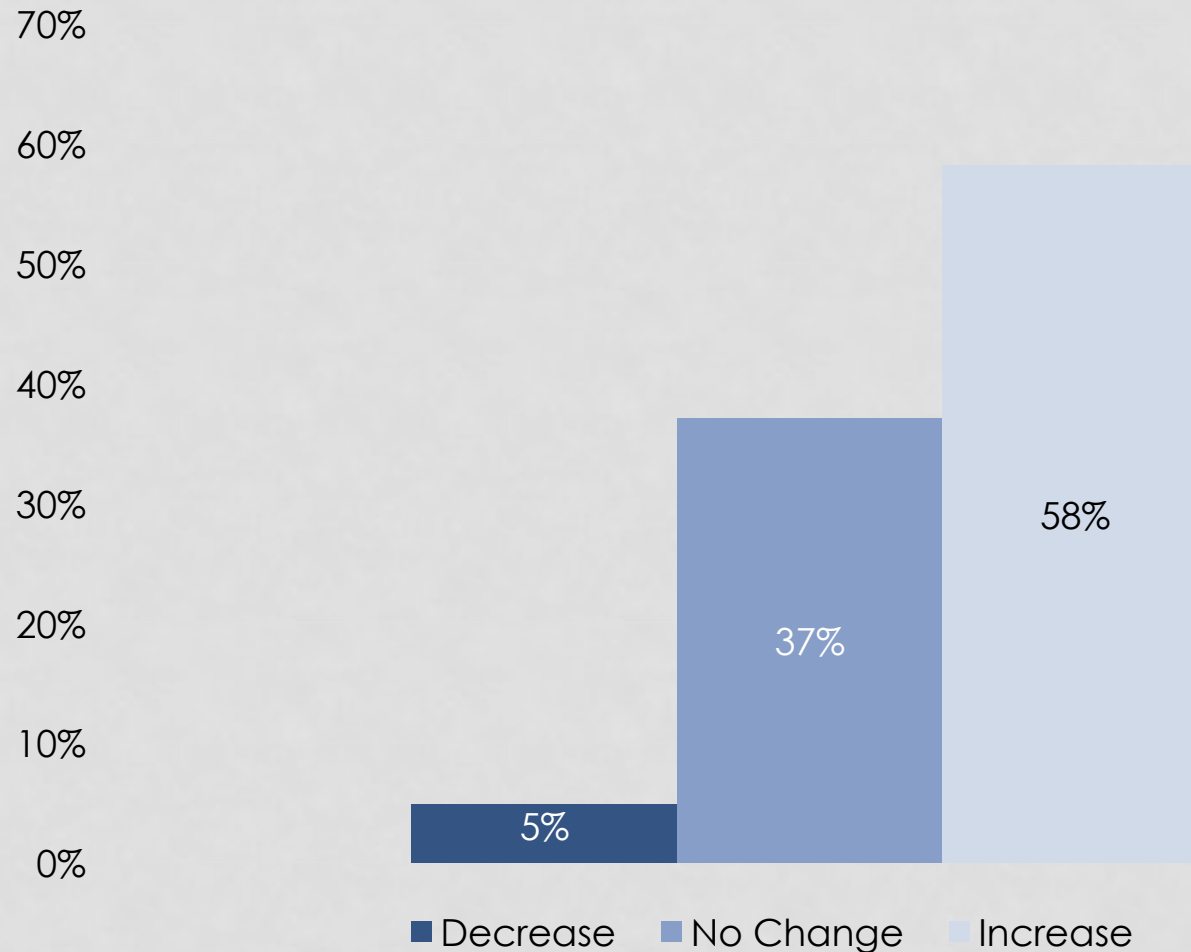
MOST YOUTH WHO SPEND TIME ON PROBATION SEE AN INCREASE IN THEIR RISK LEVEL BEFORE AGING OUT



WHILE ONLY 9% OF YOUTH WHO SPEND TIME ON PROBATION STARTED AS HIGH RISK, 45% WERE HIGH RISK BY THE TIME THEY AGED OUT

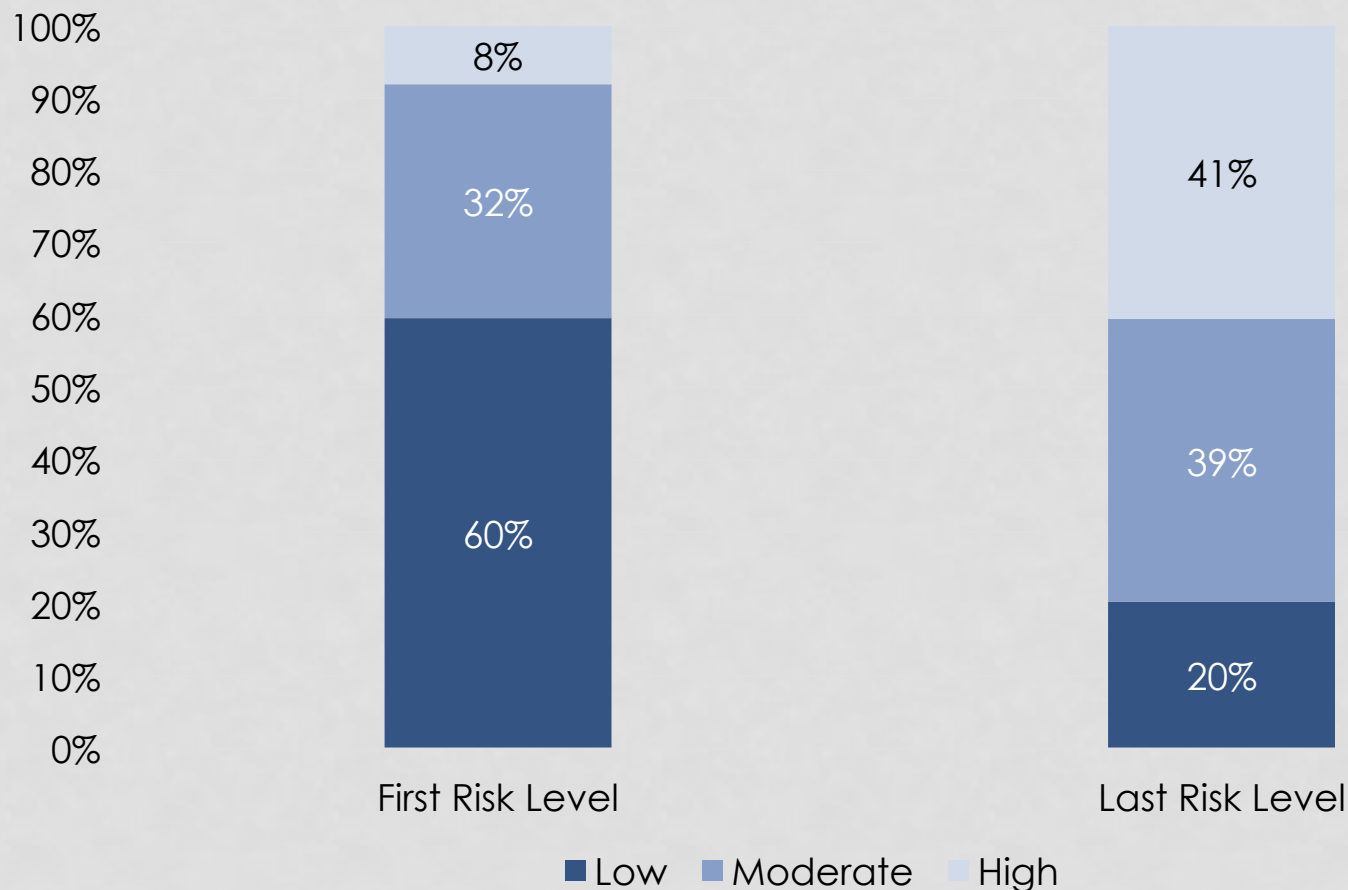


MORE THAN HALF OF YOUTH WHO SPEND TIME IN JJS DETENTION INCREASE THEIR RISK LEVEL BEFORE AGING OUT



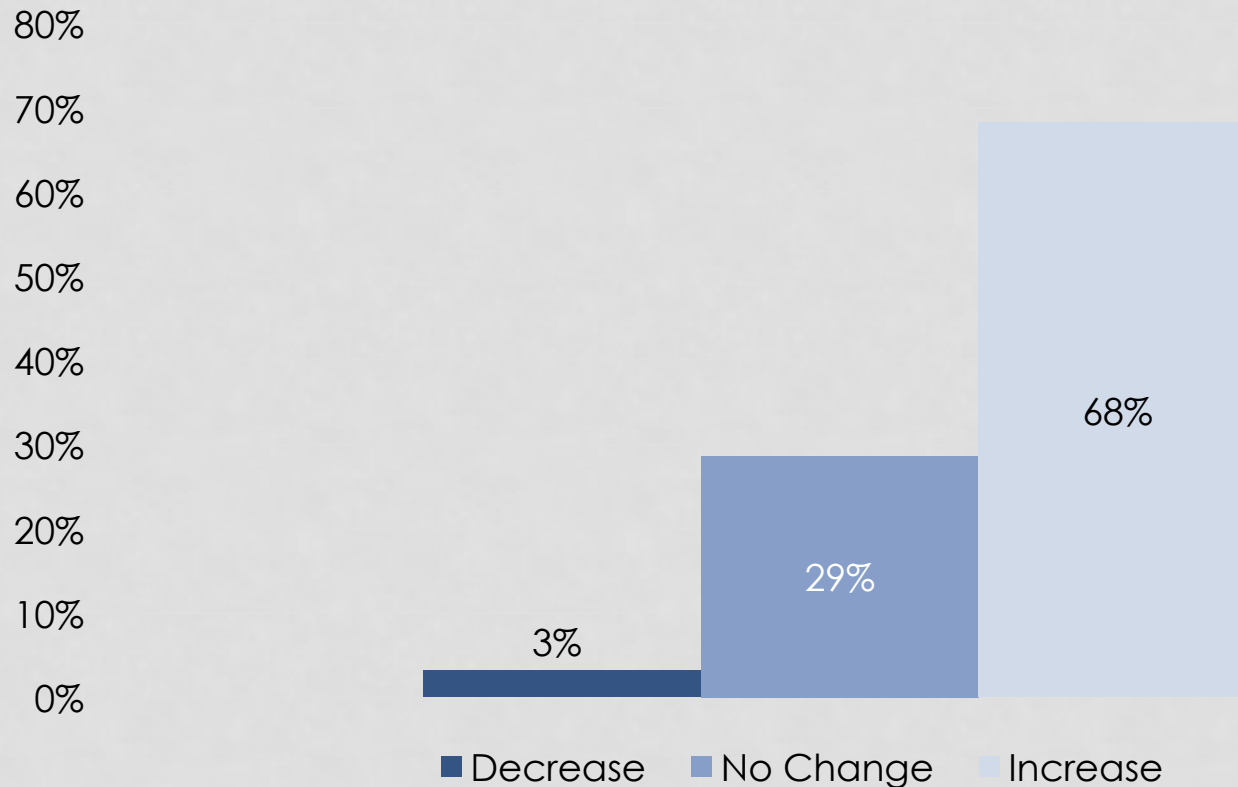
WHILE 8% OF YOUTH SENT TO JJS DETENTION STARTED AS HIGH RISK, 41% WERE HIGH RISK WHEN THEY LEFT THE SYSTEM

Youth Disposed to JJS Detention Who Had Multiple Assessments, First Intake 2008-2012



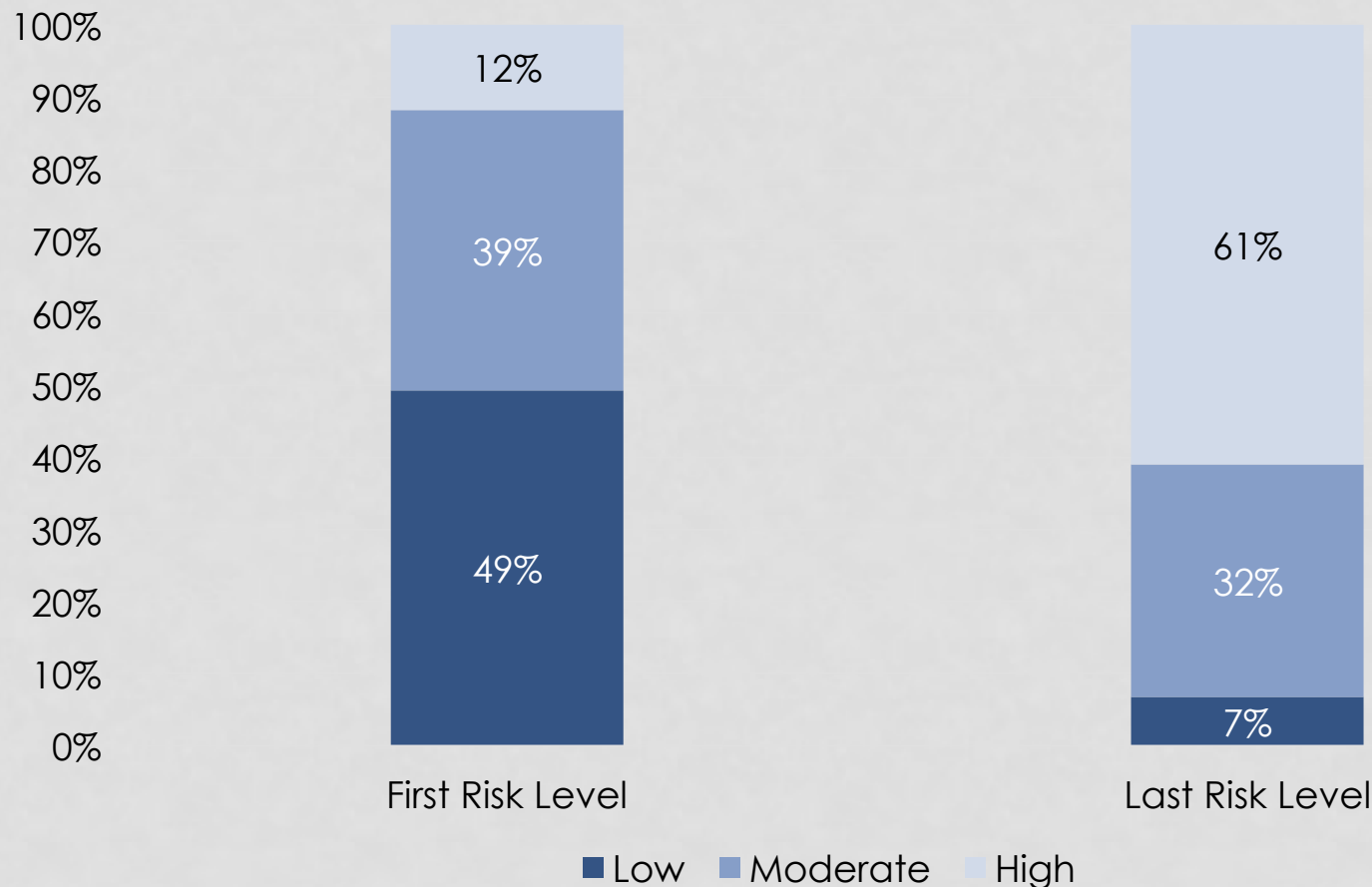
MORE THAN 2/3 OF YOUTH WHO SPEND TIME IN JJS COMMUNITY PLACEMENT INCREASE THEIR RISK LEVEL BEFORE AGING OUT

JJS Community Placement Youth Who Had Multiple Assessments, First Intake 2008-2012
Change from First to Last Risk Assessment



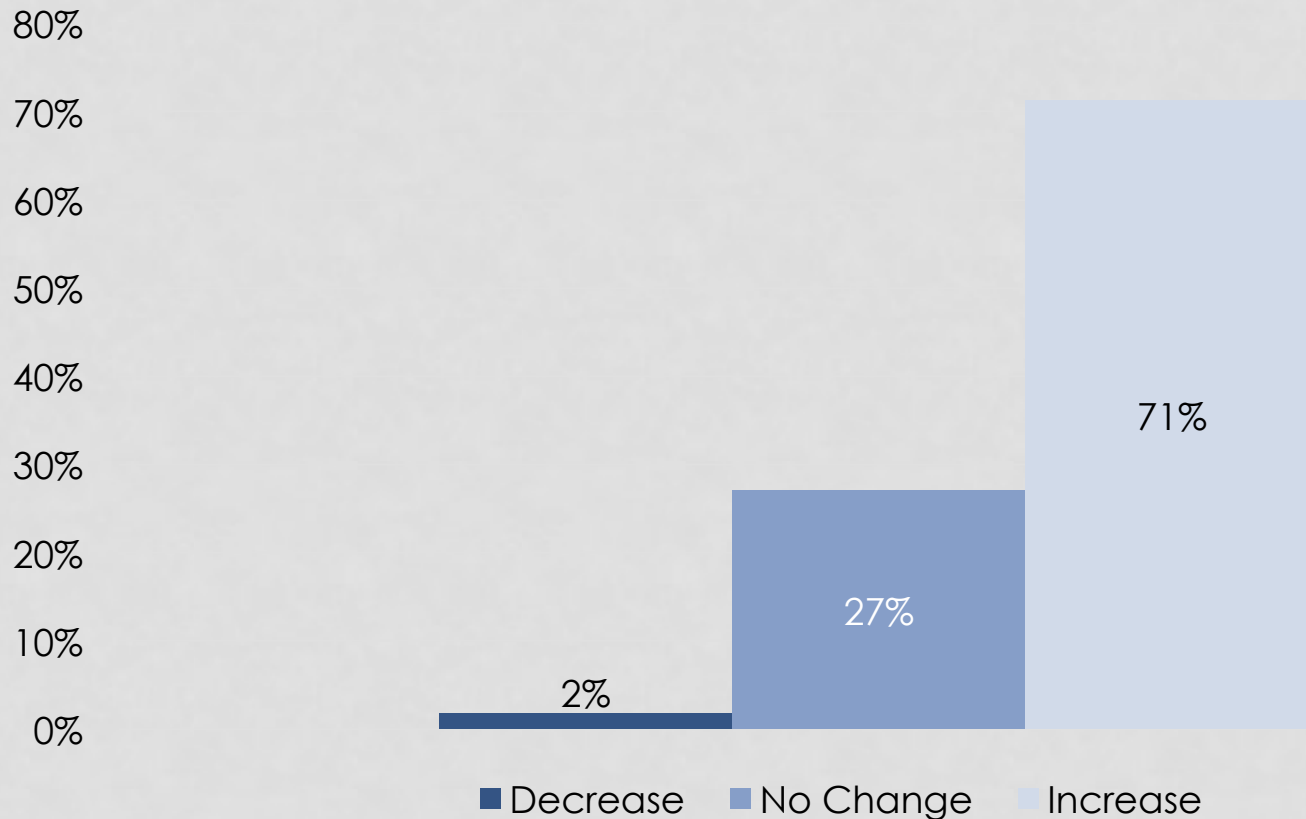
12% OF YOUTH SENT TO JJS COMMUNITY PLACEMENT STARTED AS HIGH RISK, 61% WERE HIGH RISK WHEN THEY AGED OUT

Youth Disposed to JJS Community Placement Who Had Multiple Assessments, First Intake 2008-2012



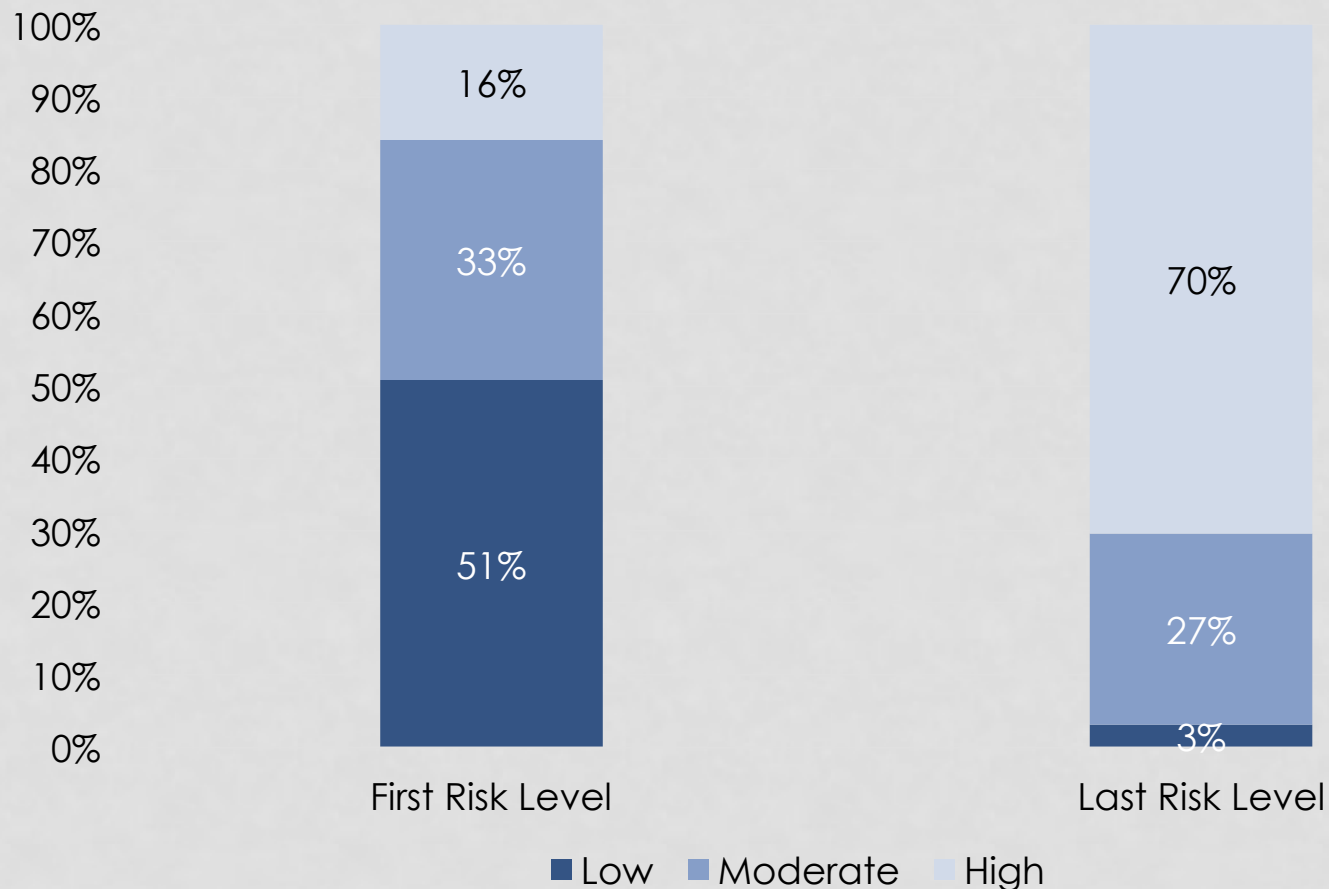
NEARLY 3/4 OF YOUTH WHO WENT TO JJS SECURE CARE INCREASED THEIR RISK LEVEL BEFORE AGING OUT

Youth Disposed to JJS Secure Care Who Had Multiple Assessments, First Intake 2008-2012
Change from First to Last Risk Assessment



WHILE ONLY 16% OF YOUTH WHO WENT TO JJS SECURE CARE STARTED AS HIGH RISK, 70% LEFT THE SYSTEM HIGH RISK

Youth Disposed to JJS Secure Care Who Had Multiple Assessments, First Intake 2008-2012

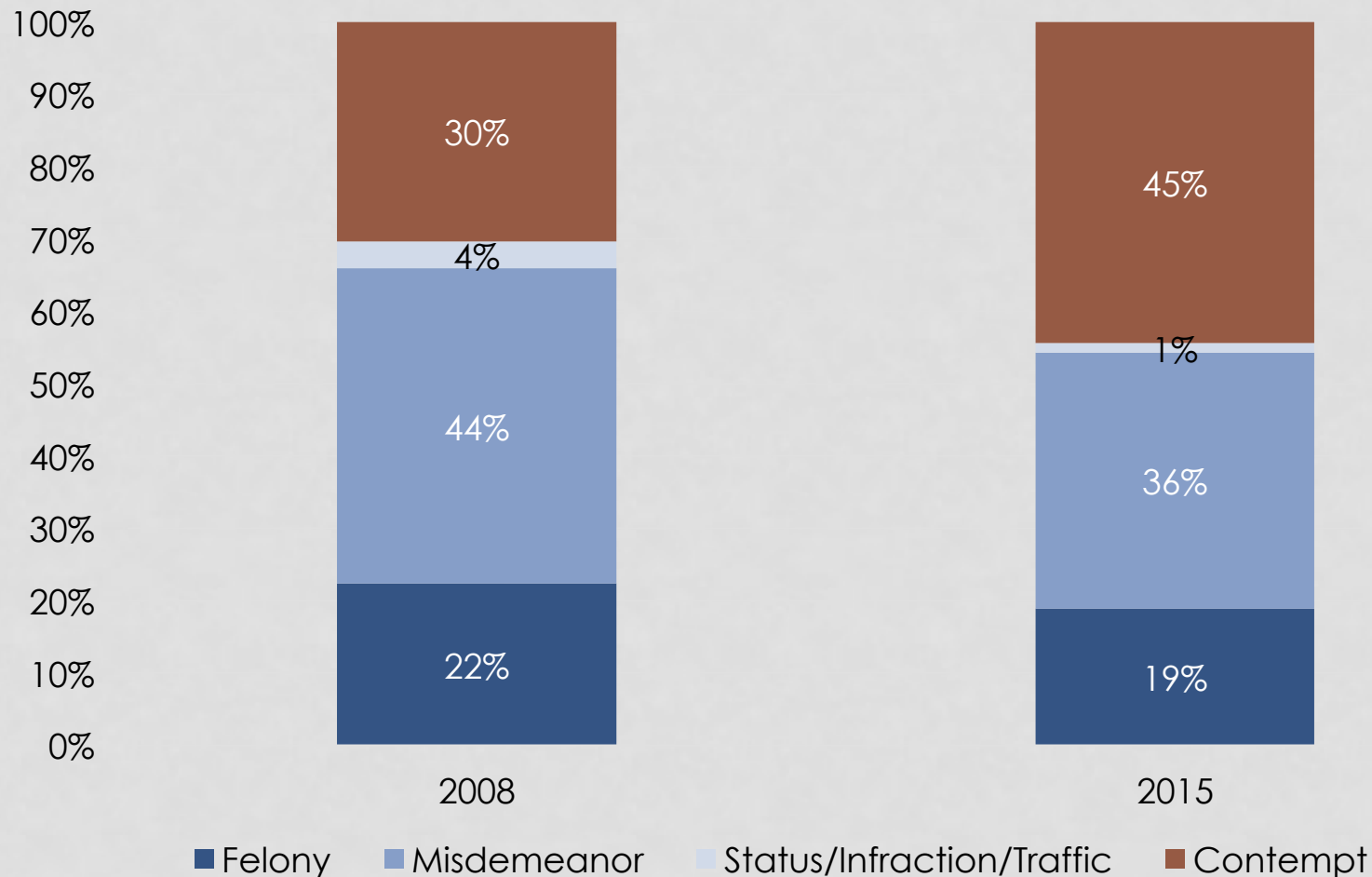


UTAH DATA FINDINGS

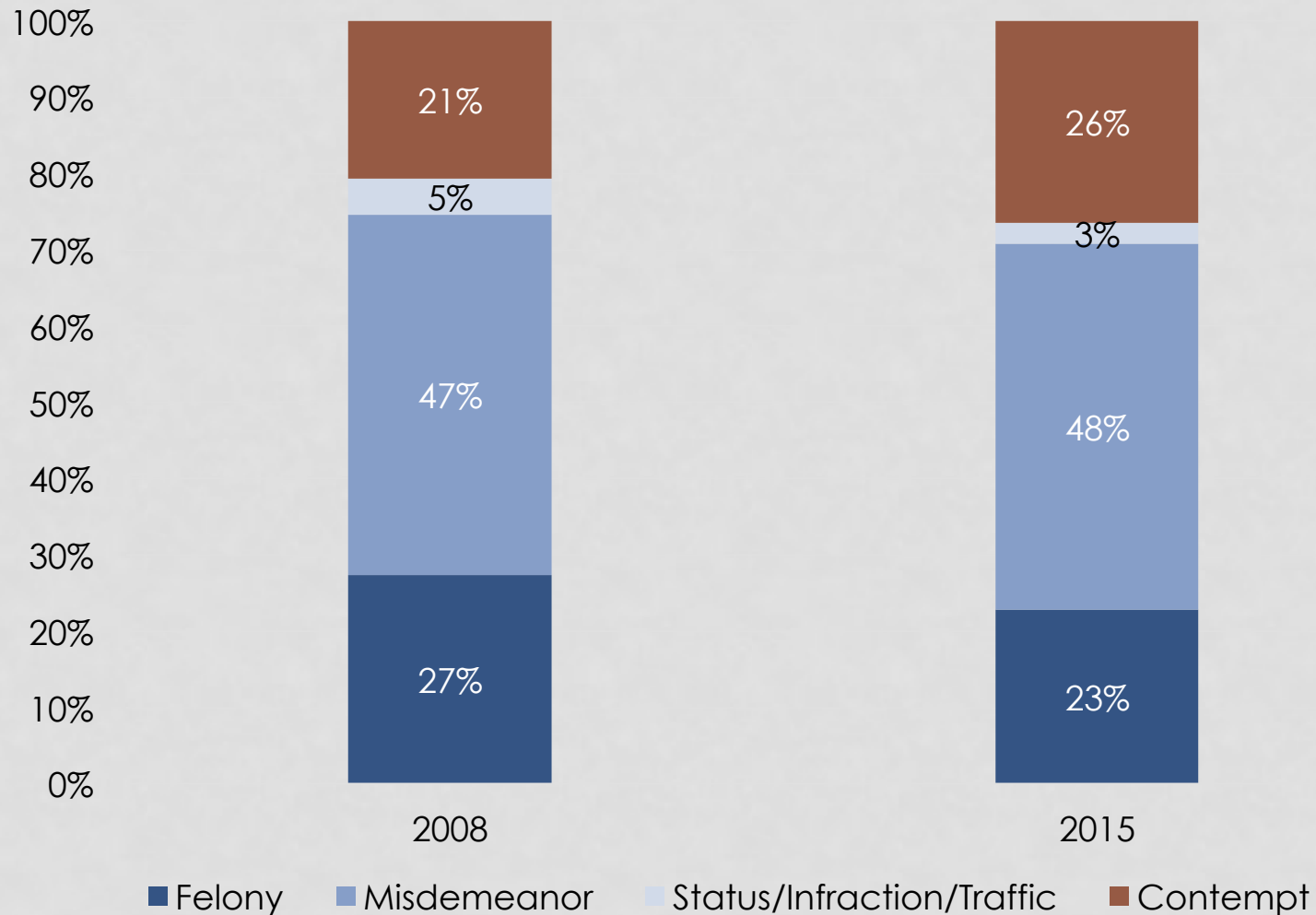
CONTEMPT

LARGE INCREASE IN PROPORTION OF O&A DISPOSITIONS FOR CONTEMPT

Most Serious Offense on O&A Disposition

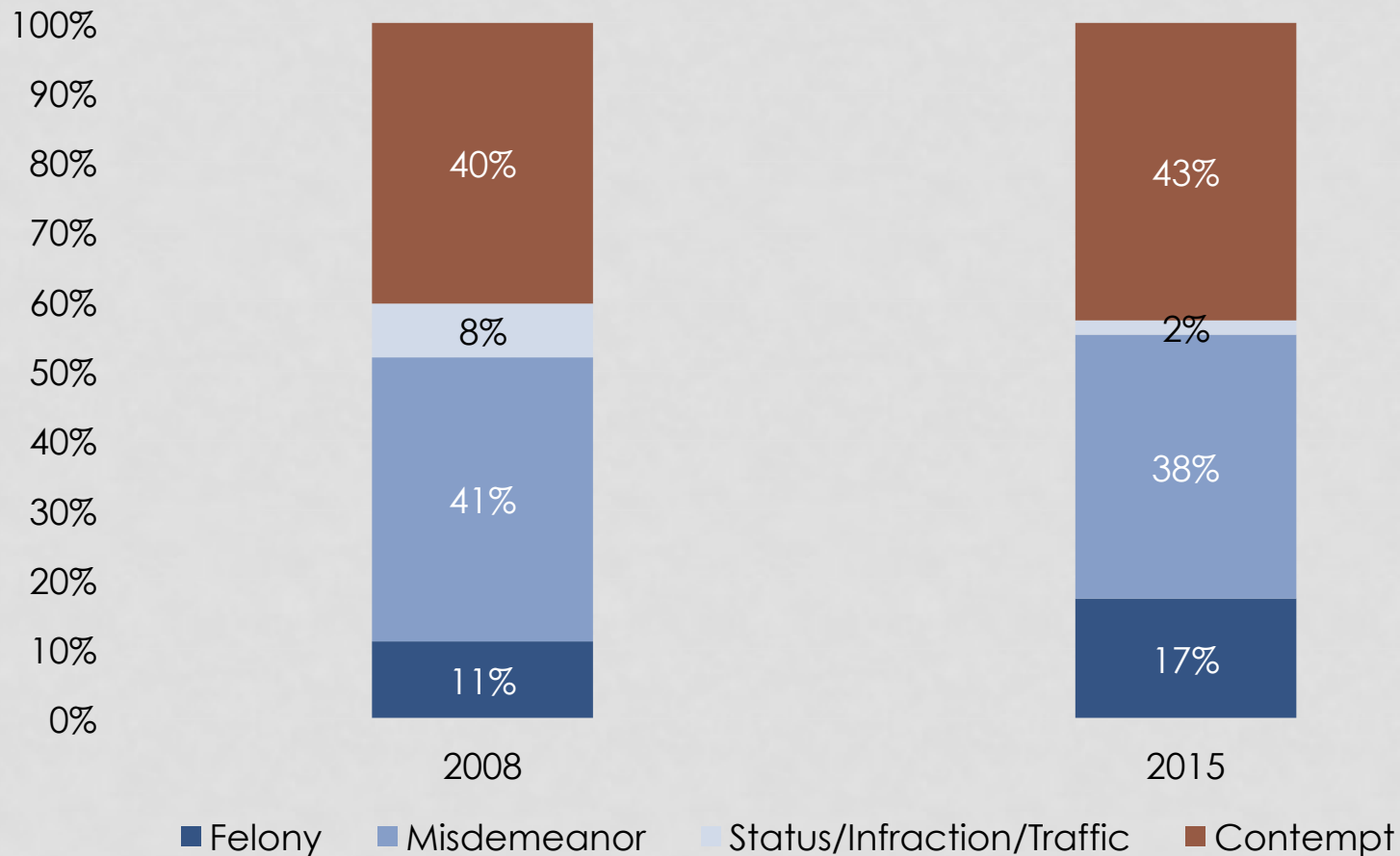


MOST SERIOUS OFFENSE ON PROBATION DISPOSITION



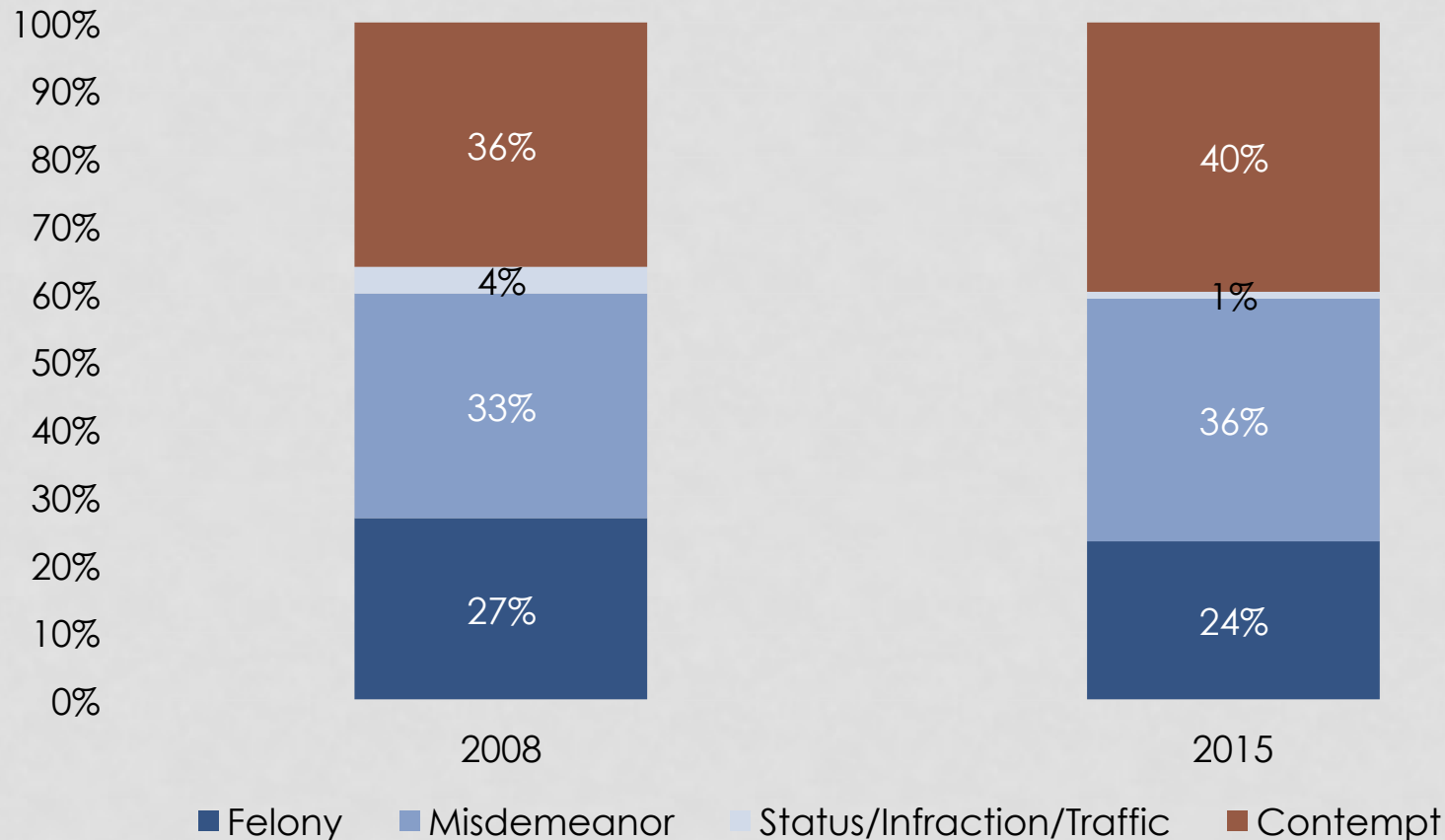
43% OF YOUTH ARE PUT IN JJS DETENTION FOR CONTEMPT

Most Serious Offense on JJS Detention Disposition and
Booking



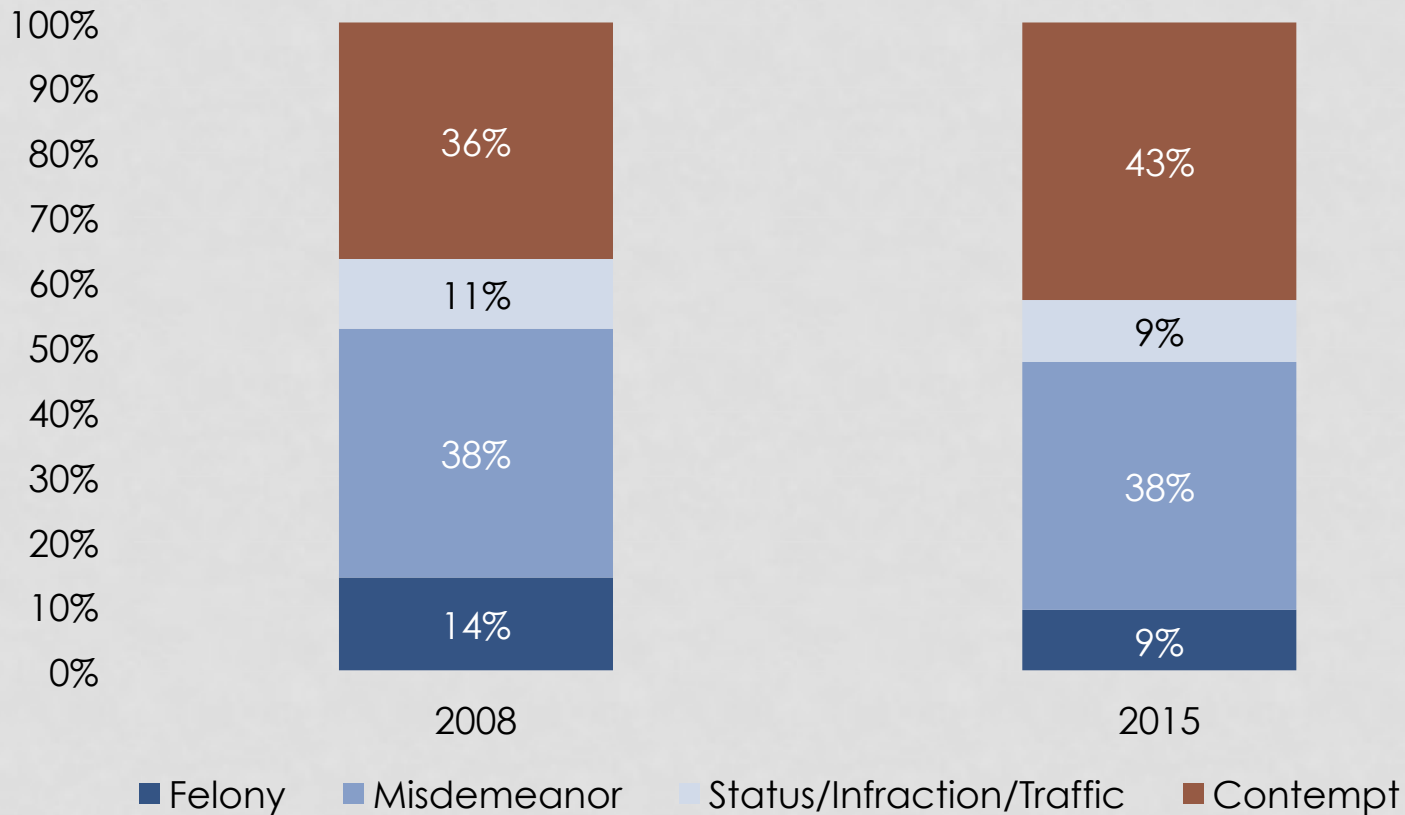
40% OF JJS COMMUNITY PLACEMENT DISPOSITIONS ARE FOR CONTEMPT

Most Serious Offense on JJS Community Placement Disposition



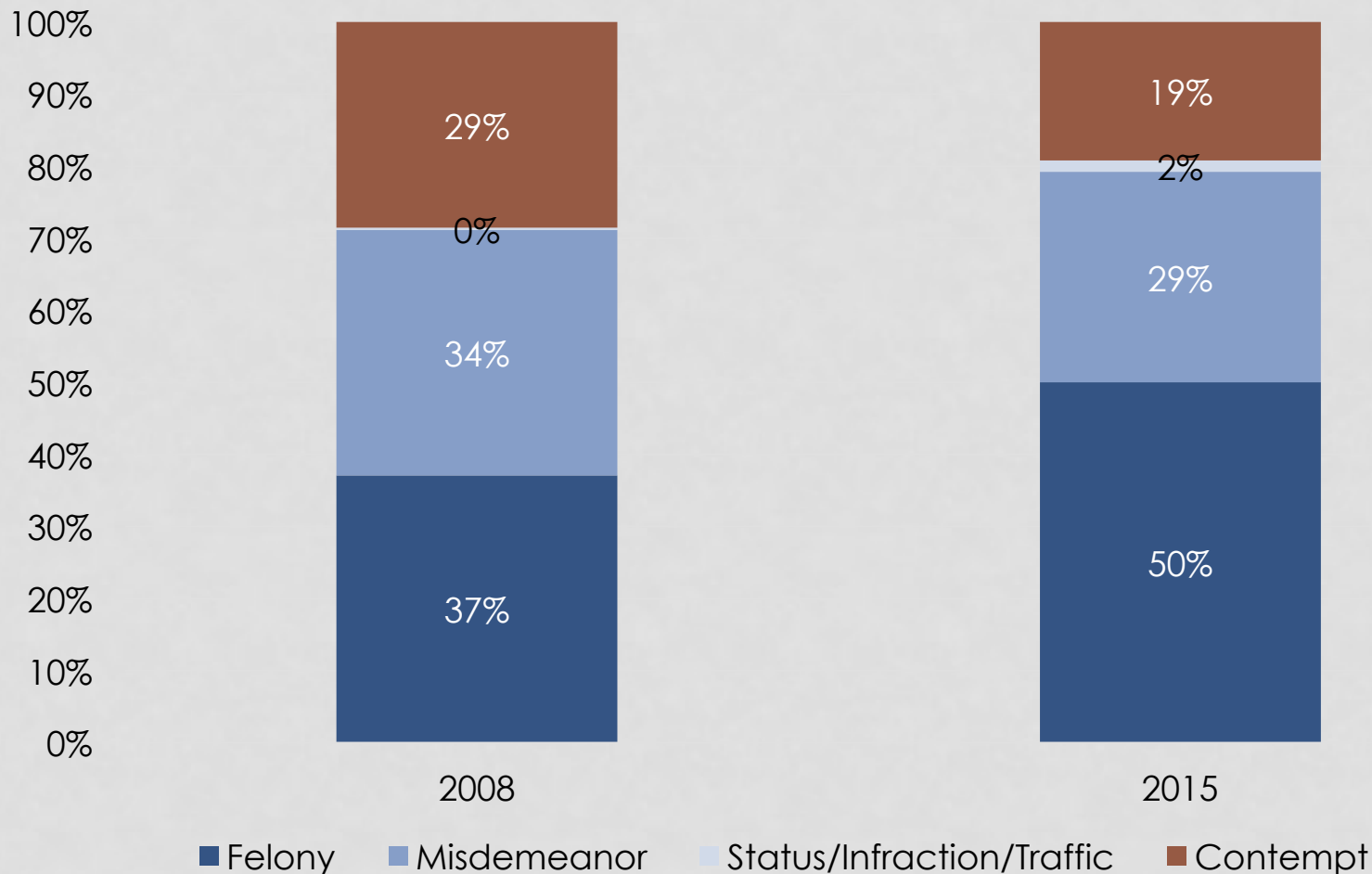
43% OF DCFS CUSTODY DISPOSITIONS ARE FOR CONTEMPT

Most Serious Offense for DCFS Custody Disposition

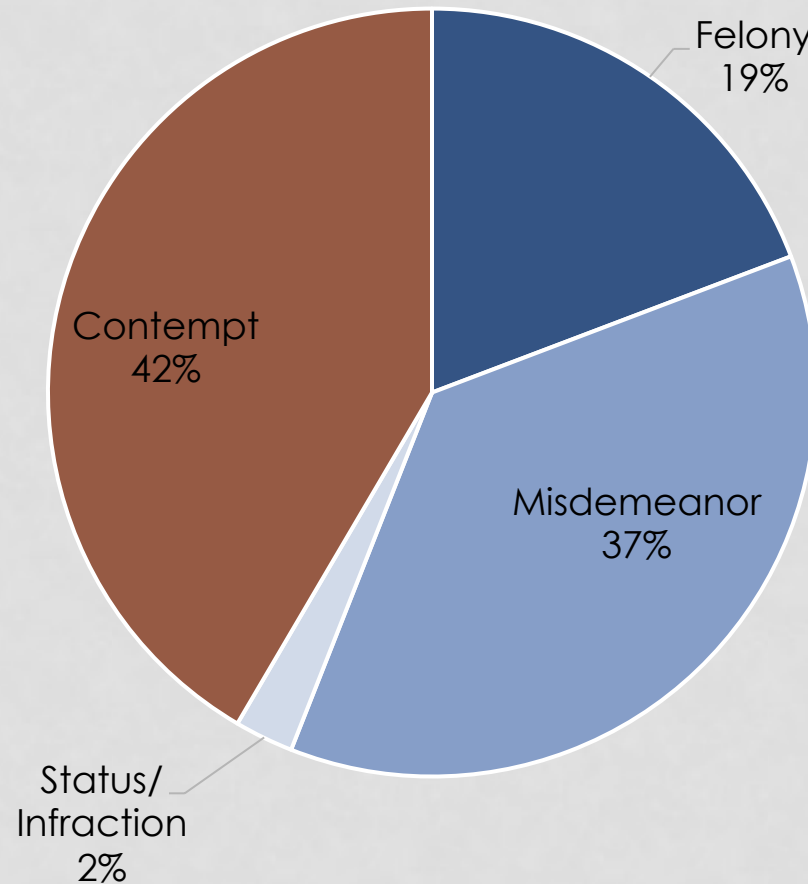


CONTEMPT STILL MOST SERIOUS OFFENSE LISTED ON 19% OF JJS SECURE CARE DISPOSITIONS

Most Serious Offense on JJS Secure Care Disposition



MOST SERIOUS OFFENSE FOR OUT-OF-HOME DISPOSITIONS



2015 (N=2985)

UTAH DATA FINDINGS

MOST COMMON OFFENSES

MARIJUANA, ASSAULT, AND TRUANCY OFFENSES ARE 3 OF TOP 4 MOST COMMON DETENTION DISPOSITIONS AT FIRST INTAKE

Top 9 Offenses Detention Disposition at First Intake, 2015	# Youth	% Non-Felony
MARIJUANA POSSESSION OR USE	22	100%
ASSAULT-SUB.RISK OF/BODILY INJ	18	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	18	0%
HABITUAL TRUANT CITATION	12	100%
SODOMY UPON CHILD-VICT.UNDR 14	9	0%
RETAIL THEFT <\$500	8	100%
CRIMINAL MISCHIEF	8	100%
AGG. ASSAULT WITH WEAPON/FORCE	7	29%
POSSESSION DRUG PARAPHERNALIA	7	100%

YOUTH GET SENT TO COURT FOR SAME OFFENSES AS YOUTH WHO GET DIVERTED ON THEIR FIRST CASE

Top 10 Offenses First Case Non-Judicial 2015	% Total	Top 10 Offenses First Case Petition 2015	% Total
RETAIL THEFT <\$500	24%	MARIJUANA POSSESSION OR USE	14%
ALCOHOL POSSESSION OR CONSUMPTION	9%	HABITUAL TRUANT CITATION	8%
POSSESSION OF TOBACCO	8%	POSSESSION DRUG PARAPHERNALIA	5%
ASSAULT-SUB.RISK OF/BODILY INJ	7%	RETAIL THEFT <\$500	5%
CURFEW	6%	ASSAULT-SUB.RISK OF/BODILY INJ	5%
CRIMINAL MISCHIEF	5%	CRIMINAL MISCHIEF	4%
THEFT < \$500	5%	SEXUAL ABUSE,CHILD-V.UNDER 14	3%
CRIMINAL TRESPASS	5%	ALCOHOL POSSESSION OR CONSUMPTION	3%
CURFEW/TRUANCY	4%	POS. DRUG PARAPHERNALIA - DFZ	3%
HABITUAL TRUANT CITATION	3%	POSSESSION OF TOBACCO	2%
Total	4343	Total	3271

CONTEMPT AND DRUG OFFENSES MOST COMMON FOR DETENTION DISPOSITIONS AND BOOKINGS

Top 10 Offenses, JJS Detention Disposition and Booking 2015	# Youth	% Non-Felony
CONTEMPT - NON-PECUNIARY	286	100%
CONTEMPT - PROBATION	237	100%
CONTEMPT - DRUG	81	100%
ALCOHOL POSSESSION/CONSUMPTION	70	99%
RETAIL THEFT <\$500	48	98%
ASSAULT-SUB.RISK OF/BODILY INJ	46	100%
POSSESSION DRUG PARAPHERNALIA	46	96%
MARIJUANA POSSESSION OR USE	46	98%
SEXUAL ABUSE,CHILD-V.UNDER 14	42	2%
CRIMINAL MISCHIEF	33	97%

CONTEMPT, DRUG, THEFT OFFENSES MOST COMMON IN TOP 10 JJS COMMUNITY PLACEMENT DISPOSITIONS

Top 12 Offenses, JJS Community Placement Dispositions, 2015	# Youth	% Non-Felony
CONTEMPT - PROBATION	109	100%
CONTEMPT - NON PECUNIARY	53	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	20	0%
CONTEMPT - DRUG	14	100%
RETAIL THEFT <\$500	13	85%
ALCOHOL POSSESSION/CONSUMPTION	12	100%
THEFT <\$500	12	75%
ASSAULT-SUB.RISK OF/BODILY INJ	10	100%
JOYRIDE DRIVER-RET.UNDER 24 HR	10	100%
MARIJUANA POSSESSION OR USE	10	100%
FAIL TO STOP AT POLICE COMMAND	10	100%
CRIMINAL MISCHIEF	10	90%

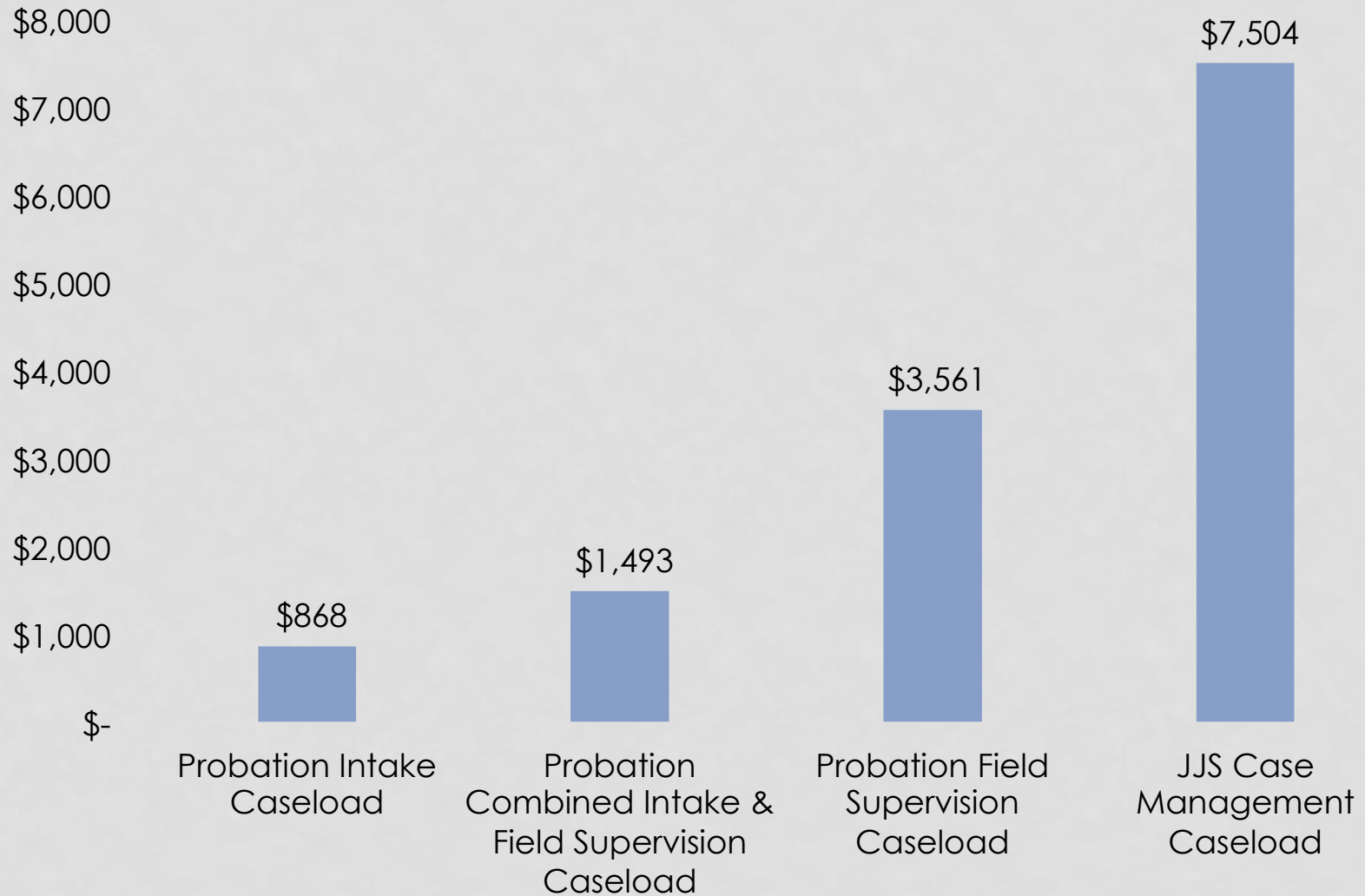
CONTEMPT AND TRUANCY ARE TOP OFFENSES FOR DCFS CUSTODY DISPOSITION

Top 9 DCFS Custody Dispositions 2015	# Youth	% Non-Felony
CONTEMPT - NON-PECUNIARY	74	100%
CONTEMPT - PROBATION	26	100%
HABITUAL TRUANT CITATION	22	100%
ASSAULT-SUB.RISK OF/BODILY INJ	17	100%
SEXUAL ABUSE,CHILD-V.UNDER 14	10	10%
RETAIL THEFT <\$500	10	100%
THEFT <\$500	8	100%
CONTEMPT - DRUG	8	100%
CRIMINAL MISCHIEF	7	100%

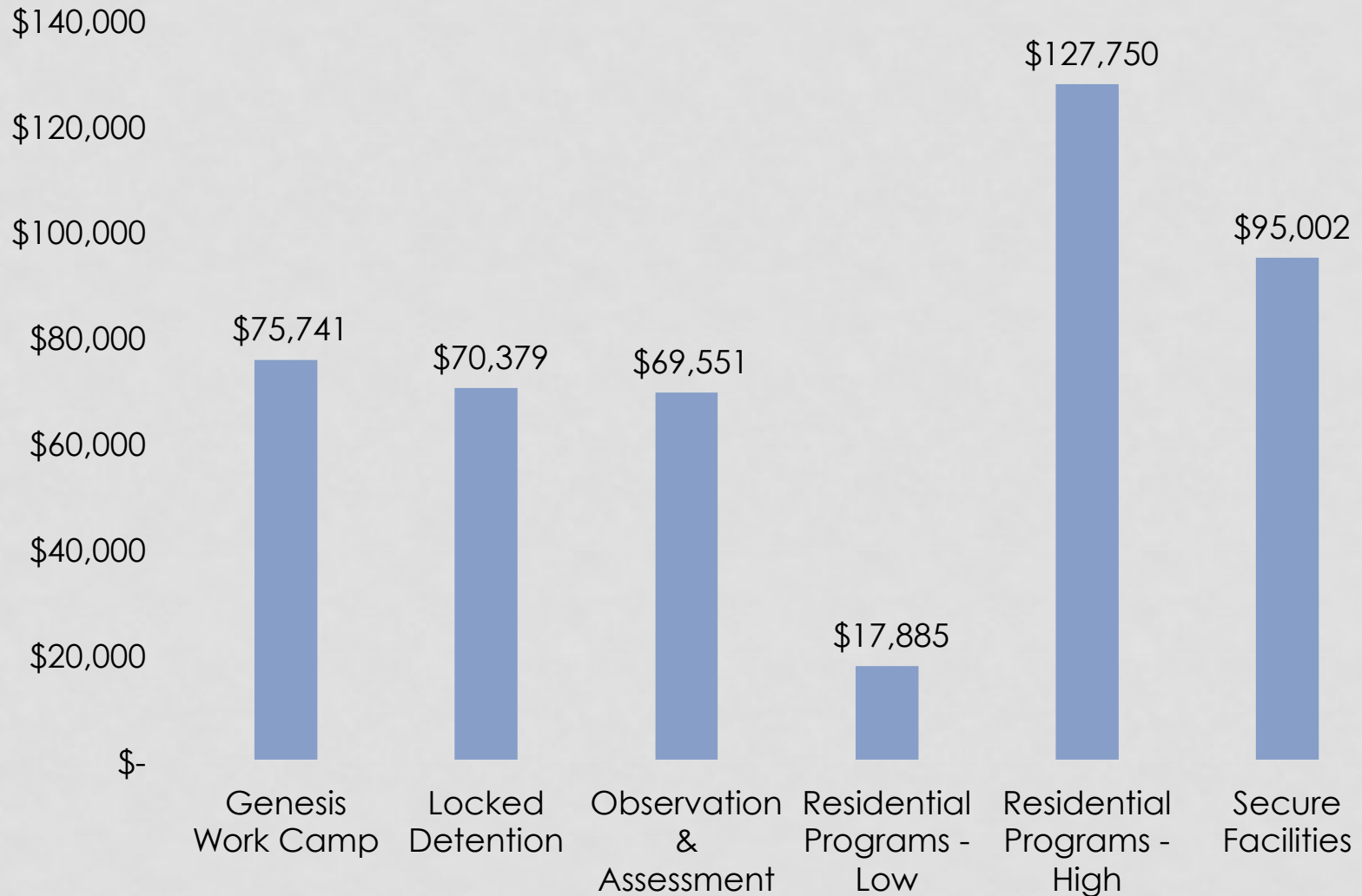
UTAH DATA FINDINGS

COSTS

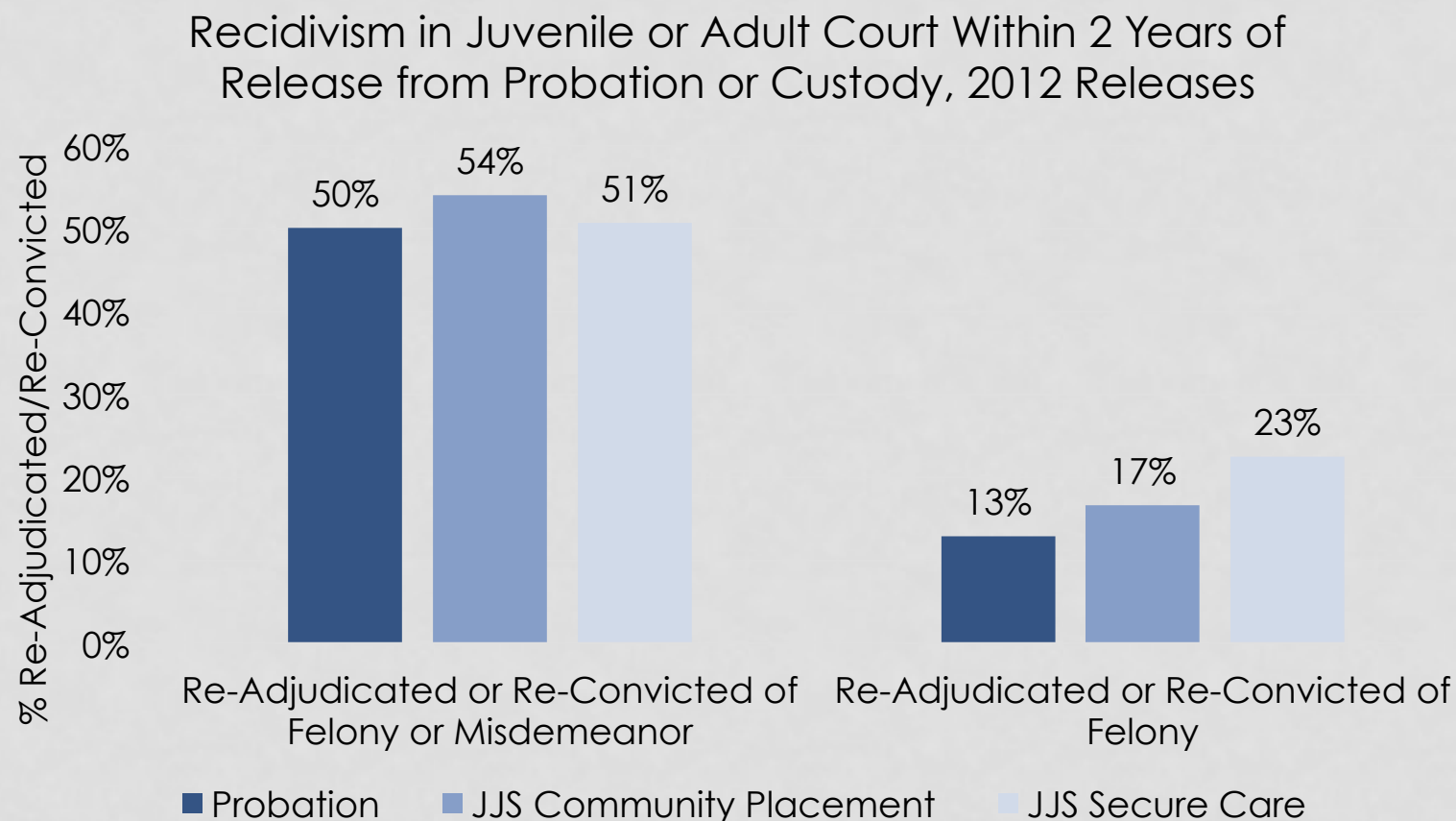
ANNUAL COST OF COMMUNITY SUPERVISION



ANNUAL COST OF OUT-OF-HOME PLACEMENT BEDS



DESPITE SIGNIFICANT VARIATION IN COST, RECIDIVISM RATES ARE SIMILAR FOR YOUTH RELEASED FROM PROBATION AND JJS CUSTODY

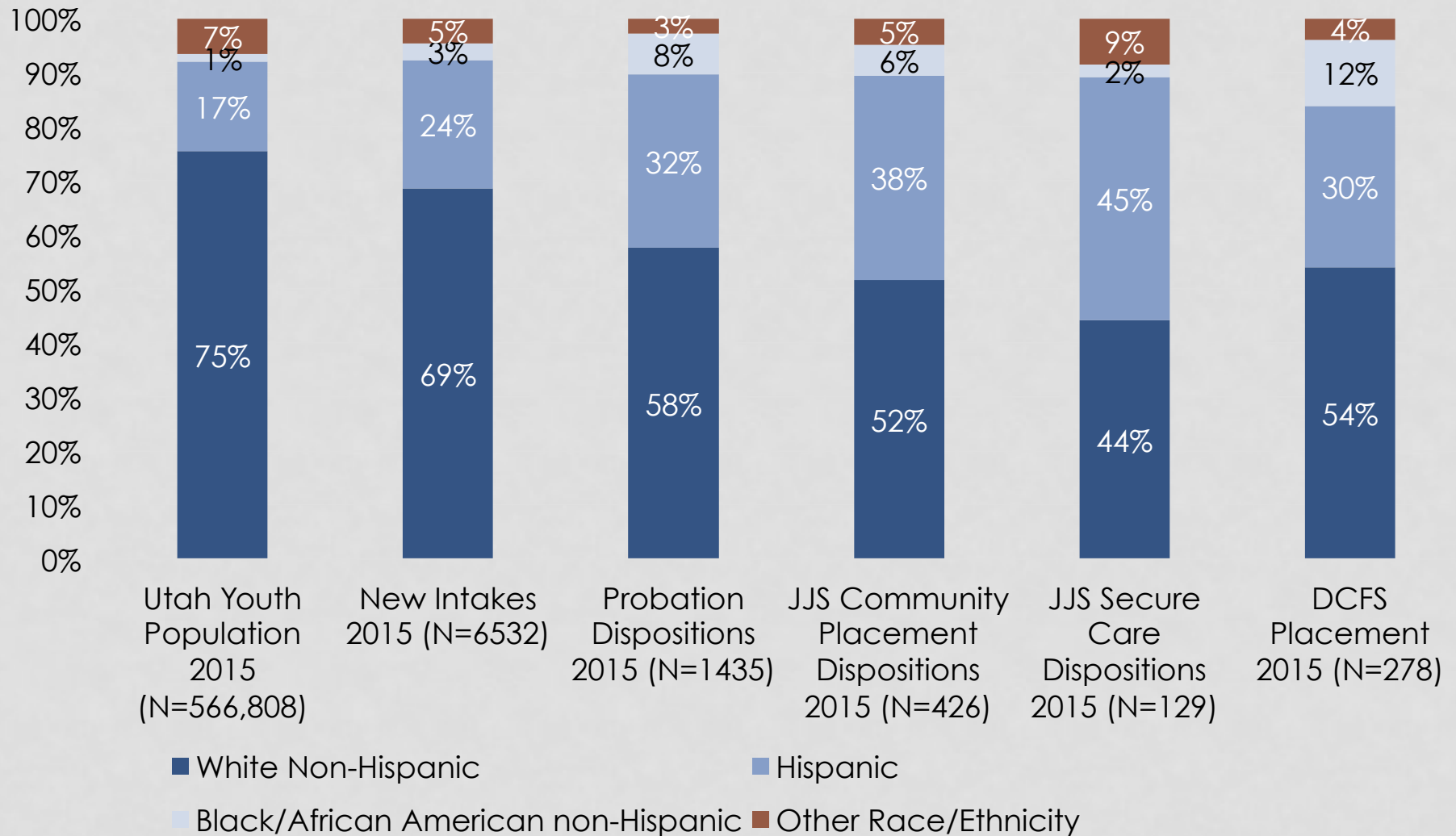


Source: JJS and AOC analysis for Pew/NCJJ Multi-state Recidivism Study

UTAH DATA FINDINGS

RACIAL DISPARITIES

Race and Ethnicity Breakdown

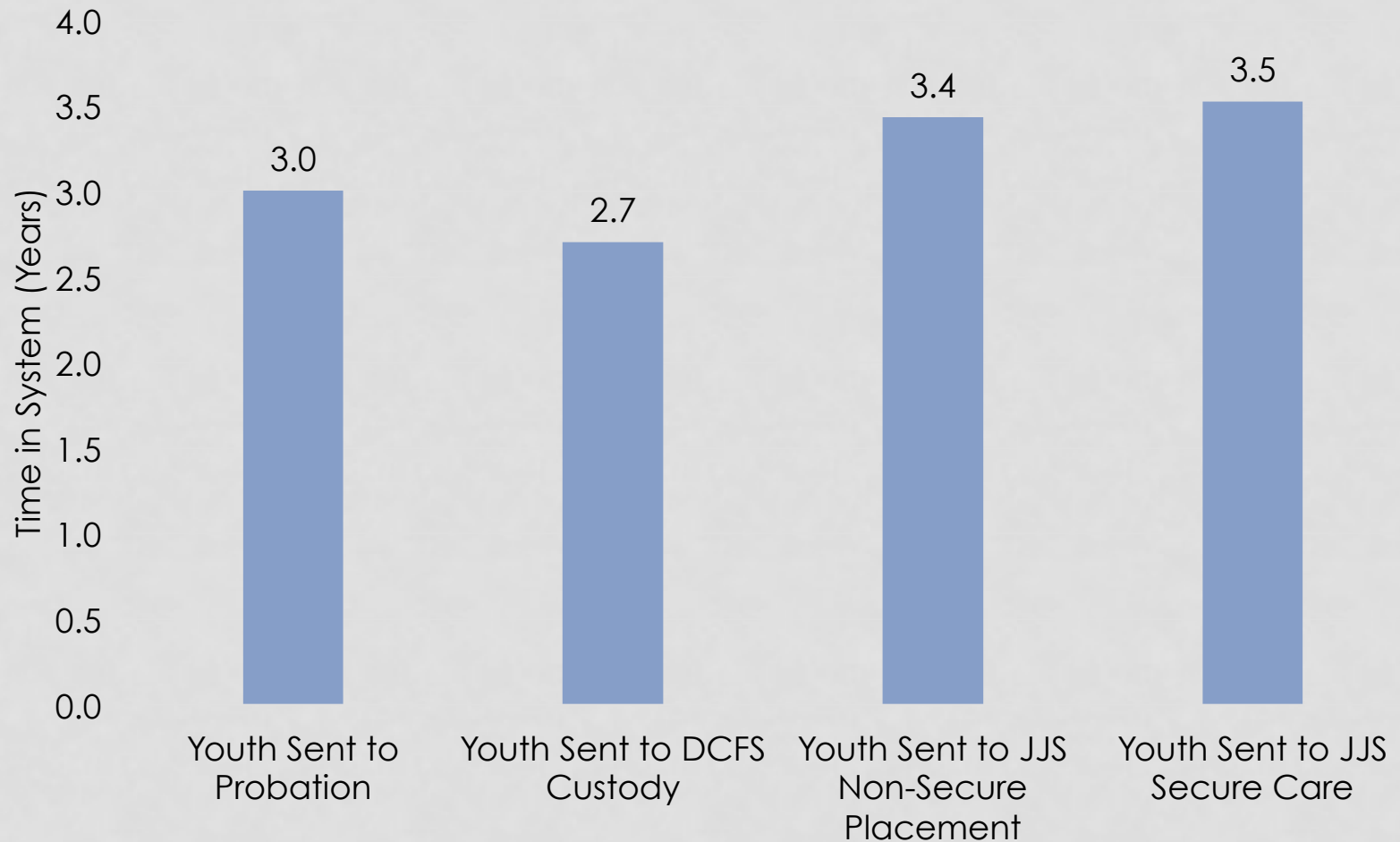


*Utah Youth Population: State of Utah School Enrollment Demographics Data, 2015

UTAH DATA FINDINGS

TIME UNDER COURT JURISDICTION

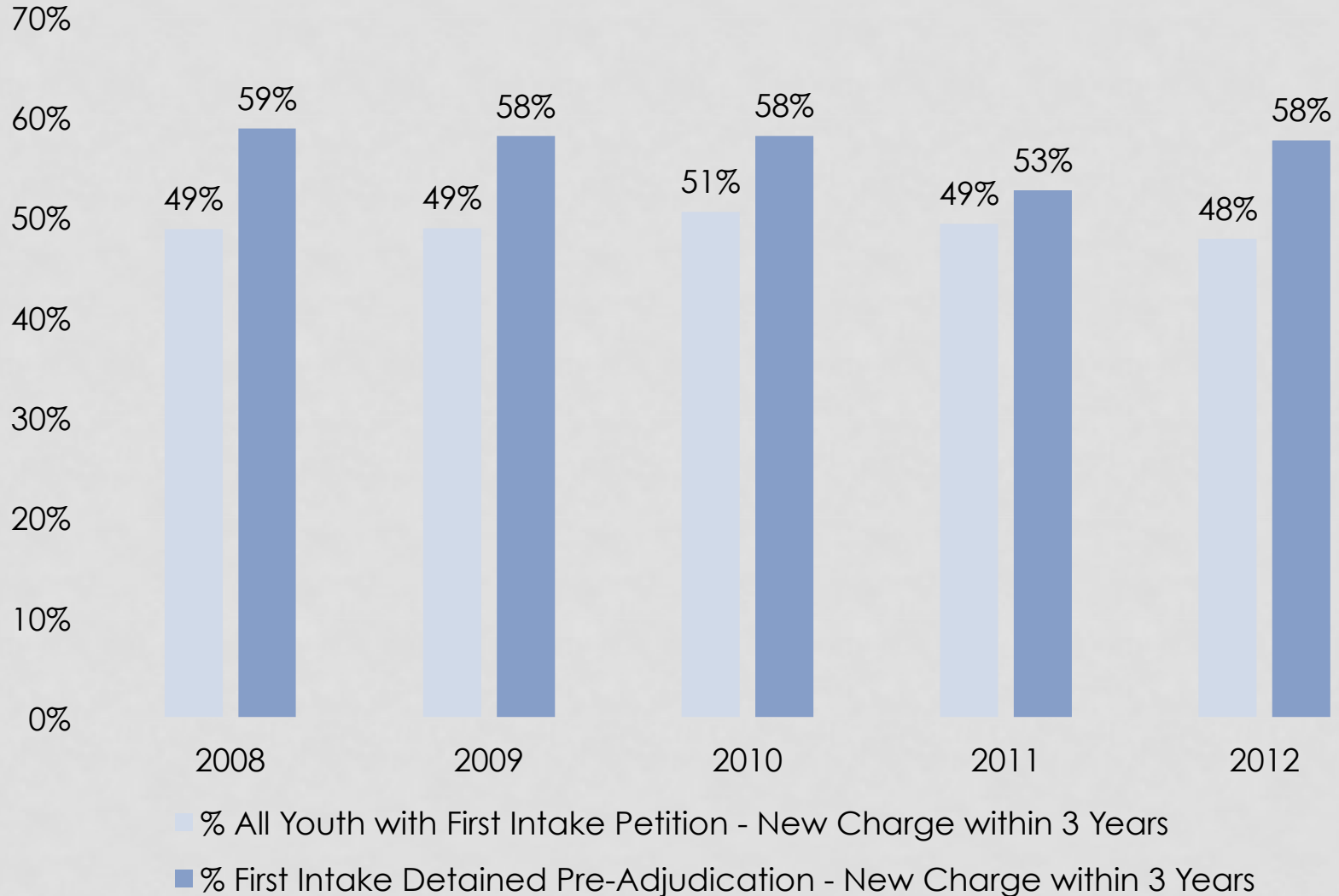
AVERAGE TIME FROM FIRST INTAKE TO LAST CLOSURE (YOUTH WHO FIRST ENTERED JUVENILE COURT 2001)



UTAH DATA FINDINGS

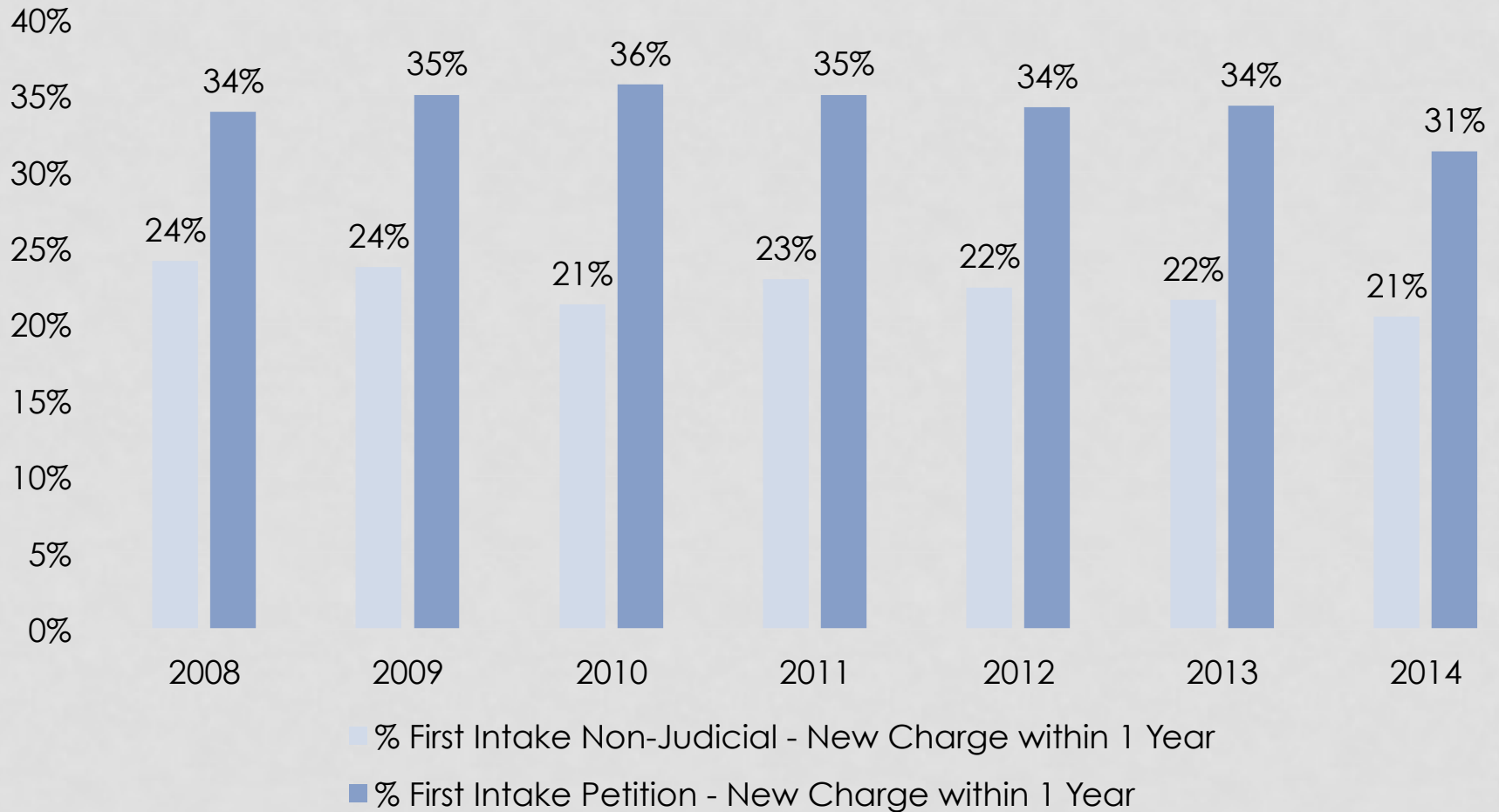
RECIDIVISM

HIGHER PROPORTION OF NEW CHARGES FOR YOUTH DETAINED PRE-ADJUDICATION



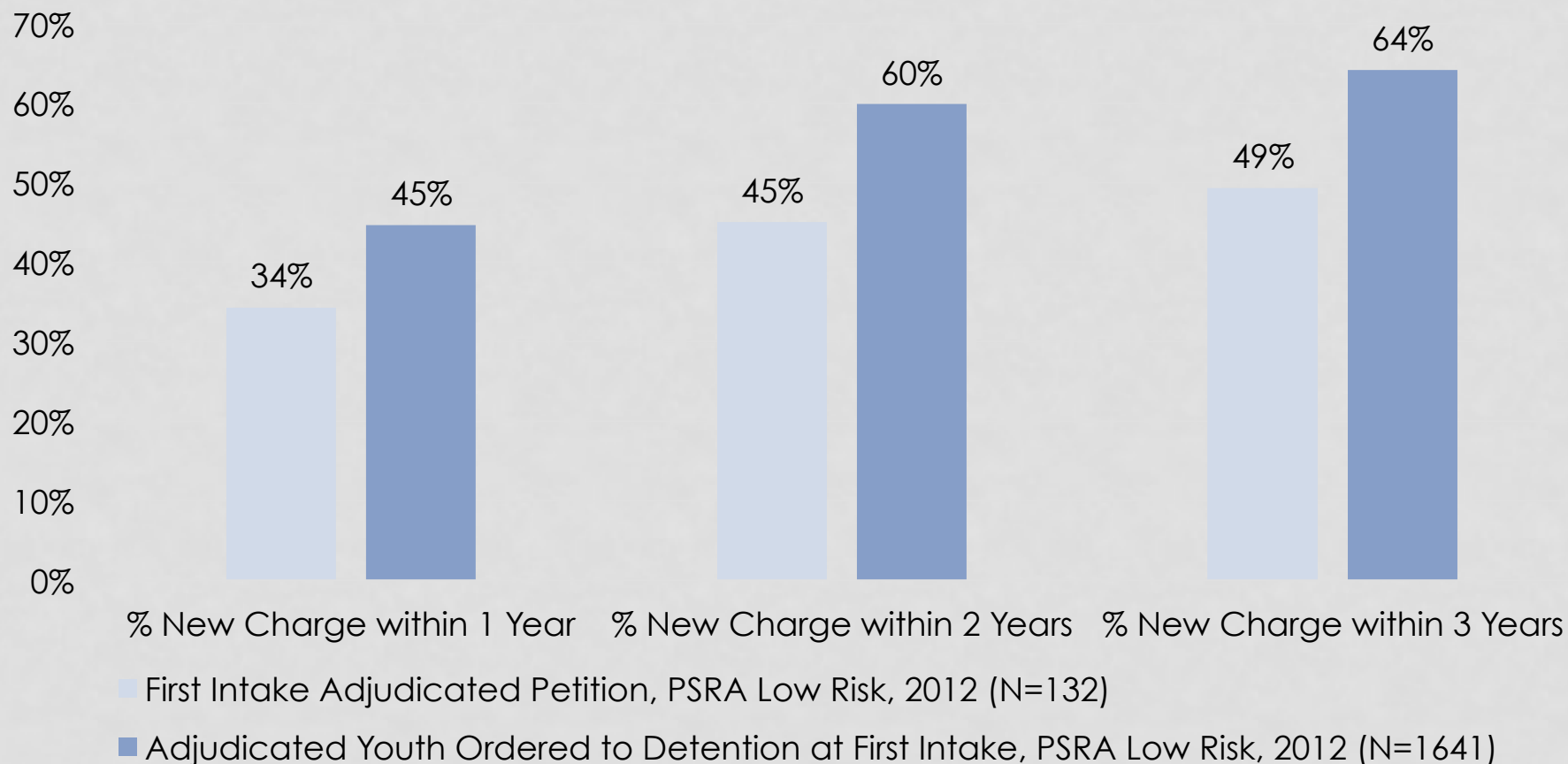
YOUTH WHO ARE DIVERTED ON THEIR FIRST CASE HAVE BETTER OUTCOMES

Proportion of Youth With New Charge Within 1 Year of First Case

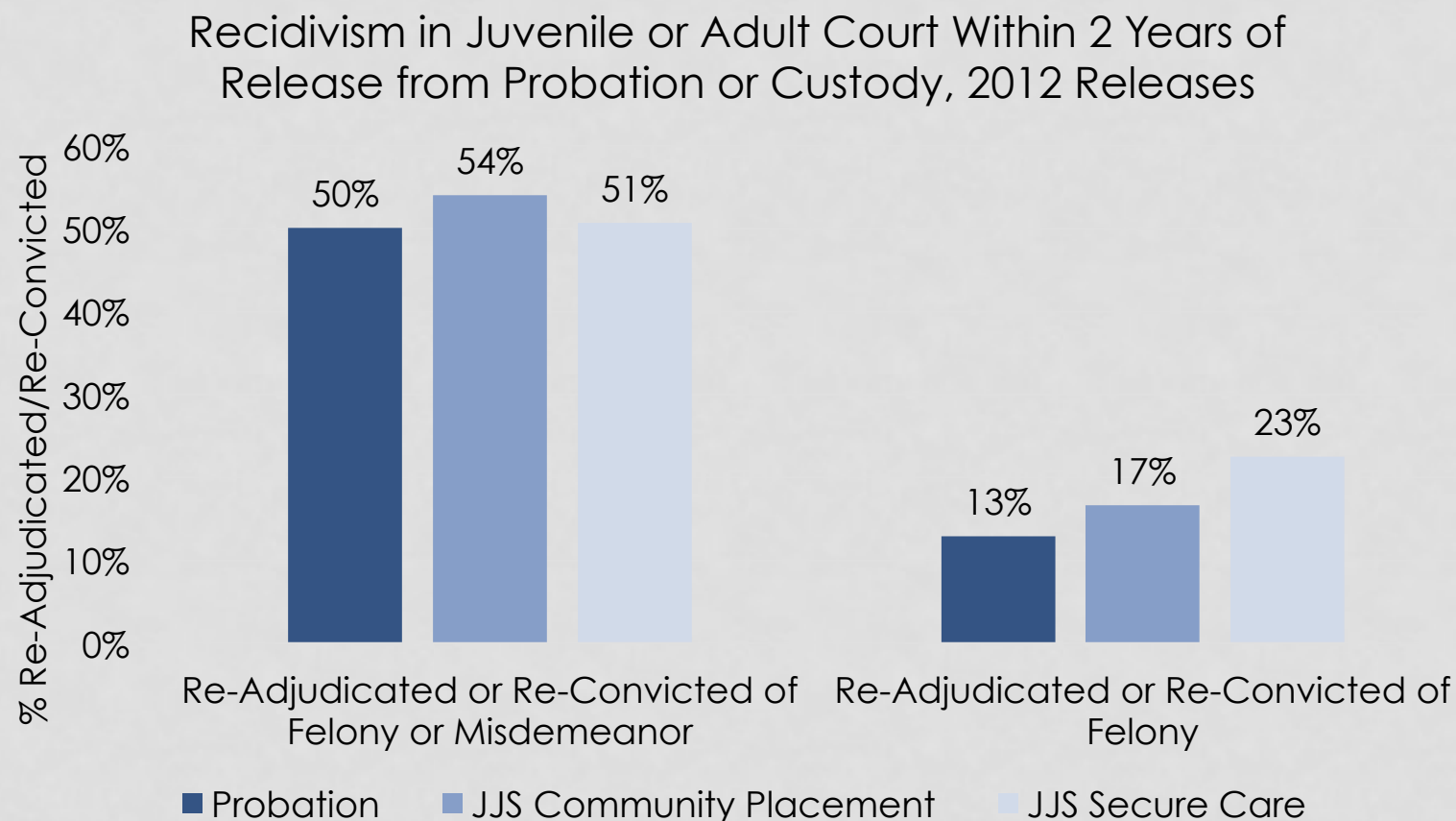


LOW-RISK YOUTH ORDERED TO DETENTION ON THEIR FIRST CASE REOFFEND AT HIGHER RATES THAN LOW-RISK YOUTH WHO ARE NOT

Proportion of New Charges for Low-Risk Youth Ordered to Detention on First Case, 2012



DESPITE SIGNIFICANT VARIATION IN COST, RECIDIVISM RATES ARE SIMILAR FOR YOUTH RELEASED FROM PROBATION AND JJS CUSTODY



Source: JJS and AOC analysis for Pew/NCJJ Multi-state Recidivism Study

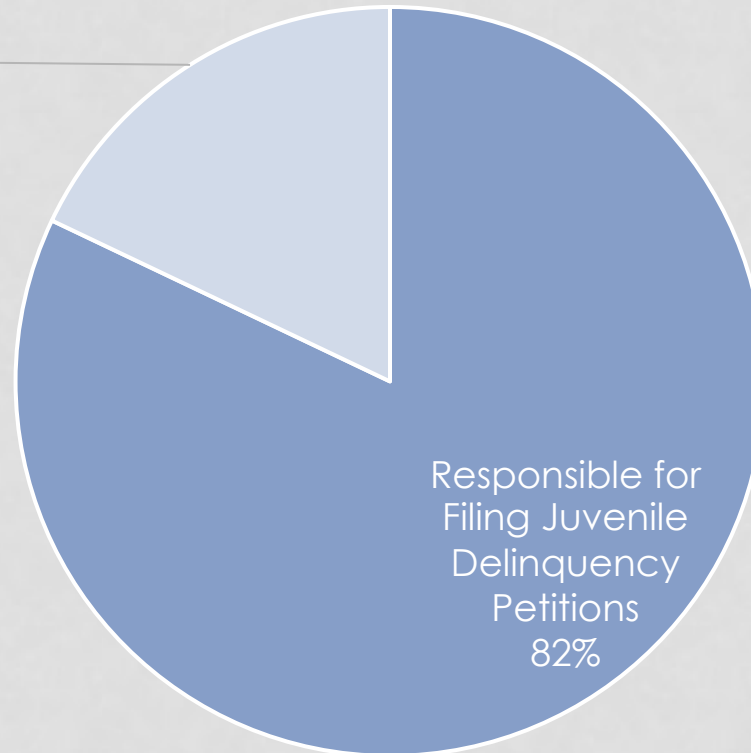
UTAH DATA FINDINGS

FILING OF PETITIONS BY PROBATION OFFICERS

MORE THAN 80% OF PROBATION OFFICERS ARE RESPONSIBLE FOR FILING PETITIONS

Responsibility for Filing Petitions
Probation Officer Survey (N=145)

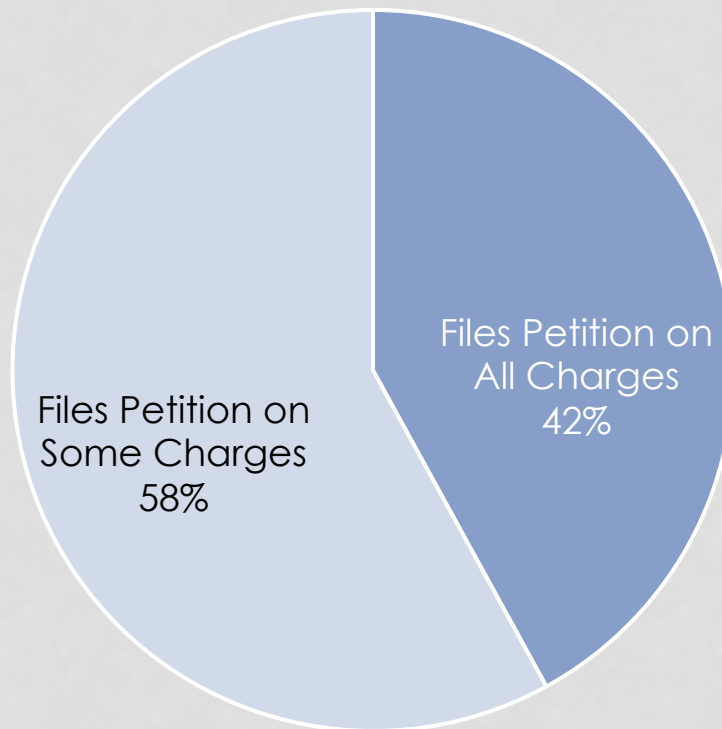
Not Responsible
for Filing Juvenile
Delinquency
Petitions
18%



Responsible for
Filing Juvenile
Delinquency
Petitions
82%

AMONG PROBATION OFFICERS WHO FILE PETITIONS, NEARLY HALF FILE PETITIONS FOR ALL CHARGE TYPES

Responsibility of Filing Petitions
Probation Officer Survey (N=119)



MAJOR TAKEAWAYS

- Most youth entering the JJ system are low-risk.
- Many youth placed out of home are low risk.
- Risk level often increases during involvement in the JJ system.
- Contempt and truancy are major drivers of out-of-home placements.
- Outcomes for diverted youth are better than outcomes for petitioned youth (comparing comparable youth).

MAJOR TAKEAWAYS

- The most common offenses for diversion and petitions are very similar.
- Many petitions are filed in juvenile court without a review by a prosecutor.
- Districts vary significantly in their use of diversions and dispositional options.
- Youth remain in the system for a long time, sometimes to complete community services or to pay a fine.
- Disproportionate impacts on minority youth are present throughout the JJ system.

WORKING GROUP RECOMMENDATIONS

The JJ Working Group made 55 recommendations that would:

- Control costs
- Hold offenders accountable
- Improve recidivism and other outcomes
- Reduce disproportionate impacts on minority youth
- Reduce unnecessary advancement through the JJ system
- Promote consistency of court orders throughout the state
- Increase services throughout the state.

HB 239

- The JJ Working Group recommendations were captured in HB 239, Juvenile Justice Amendments sponsored by Rep. Lowry Snow.
- Rep. Snow made many changes to the bill to address concerns from stakeholders.
- The bill passed the House (67-4) and the Senate (24-0).
- The Governor signed HB 239 on March 24, 2017.

POLICY CHANGES IN HB 239

SCREENING AND FILING

- The court's probation department shall offer an NJA to qualifying minors.
- If the minor is not offered an NJA or fails to complete the terms of an NJA, the prosecutor shall screen the case and determine whether to file a petition.

NON-JUDICIAL ADJUSTMENTS

- The probation department shall offer an NJA if the minor (1) is referred for a misdemeanor, infraction, or status offense; (2) has fewer than three prior adjudications; and (3) has no more than three prior unsuccessful non-judicial attempts.
- The probation department may refer a minor who is otherwise eligible for a mandatory NJA to the prosecutor for review if: (1) a risk and needs assessment indicates the minor is high risk; or (2) a risk and needs assessment indicates the minor is moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5 (person offenses) or Title 76, Chapter 9, Part 7 (voyeurism, sexual battery, lewdness involving a child).

NON-JUDICIAL ADJUSTMENTS

- A minor may not be denied an NJA due to inability to pay.
- An offer of an NJA may not be conditioned on an admission of guilt.

SCHOOL-BASED BEHAVIORS

- Prohibits referrals to law enforcement or juvenile court for truancy and for the following kinds of offenses committed on school grounds: class C misdemeanors, infractions, and status offenses.
- Allows referrals for these offenses to alternative school-related interventions including mobile crisis outreach teams, receiving centers operated by JJS, youth courts, and other restorative justice programs.

DISPOSITIONS

Requires adjudicated minors to undergo a risk screening and, if indicated, a needs assessment. The results shall inform disposition decisions

DISPOSITIONS - PROBATION

- Requires probation conditions be: individualized, based on risk and needs, and based on information provided to the court.
- The presumptive maximum for intake probation shall not exceed three months.
- The presumptive maximum for formal probation shall not exceed four to six months.

DISPOSITIONS - DETENTION

- JJS rules may not permit secure detention based solely on the existence of multiple status offenses, misdemeanors, or infractions alleged in the same criminal episode.
- Directs JJS to provide home detention services in every judicial district.
- Directs JJS to prioritize use of home detention even when secure detention is an option.
- The court may order detention for a period of 30 cumulative days per adjudication. Time spent in detention pre-adjudication shall be credited toward the 30 day maximum.
- The court may commit a minor to detention for a maximum of seven days while the minor is awaiting placement.
- JJS shall develop or adopt a validated a statewide detention risk assessment tool.

DISPOSITIONS – OUT OF HOME PLACEMENT

The court may commit a minor to the custody of JJS for out-of-home placement only if:

- nonresidential treatment options have been exhausted or are not appropriate; and
- the minor is adjudicated for one of the following:
 - felony offense;
 - misdemeanor and the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or
 - misdemeanor involving the use of a dangerous weapon.

DISPOSITIONS – OUT OF HOME PLACEMENT

- The presumptive maximum length of out-of-home placement may not exceed three to six months.
- The presumptive maximum length of aftercare is three to four months.

DISPOSITIONS – SECURE CONFINEMENT

The court may only commit a minor to secure confinement if the minor:

- is a risk of harm to others and;
- is adjudicated for the one of the following:
 - felony offense;
 - misdemeanor and the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or
 - misdemeanor involving the use of a dangerous weapon.

DISPOSITIONS – SECURE CONFINEMENT

The court may not commit a minor to the custody of JJS for secure confinement for any of the following: contempt, probation violation, failure to pay a financial obligation, unfinished community service hours, an infraction, or a status offense.

DISPOSITIONS – DCFS CUSTODY

Prohibits orders of custody to DCFS in delinquency cases not involving abuse, neglect, or dependency. Allows courts to order an assessment of a minor by DCFS to determine whether in-home family preservation services are appropriate.

COMPENSATORY SERVICE

- Compensatory service work programs may not be residential.
- Orders for compensatory service hours are limited per episode as follows: up to 24 hours for minors under age 16 at adjudication; and up to 36 hours for minors 16 and older at the time of adjudication.

FINANCIAL ORDERS

- Establishes procedures for ordering restitution. Prioritizes restitution among financial orders.
- Places exclusive authority to order restitution with the courts. Removes the authority of JJS to order restitution.
- Limits orders for fines per episode as follows: up to \$180 for minors under age 16 at adjudication; and up to \$270 for minors 16 and older at the time of adjudication.
- If a court converts a fine, fee, or restitution to service hours, the rate shall be no less than minimum wage.

PAROLE

- Directs the Youth Parole Authority to establish a presumptive term of commitment of 3 to 6 months. Directs the YPA to release a minor at the end of the presumptive term unless termination would interrupt completion of a necessary treatment program or the youth commits a new felony offense.
- Directs the YPA to establish a presumptive length of parole of 3 to 4 months. Directs the YPA to terminate parole after the presumptive time unless: termination would interrupt the completion of a necessary treatment program, the youth commits a new felony offense, or the youth has not completed service hours.
- Some offenses are not subject to these presumptions.

CASE PLANNING AND RESPONSES

- JJS shall create an individualized case plan for each minor.
- JJS and AOC, in conjunction with Utah Sentencing Commission, shall develop a statewide system of appropriate responses to the behavior of minors.
- The system of responses shall include both incentives and sanctions and shall target a minor's criminogenic risks and needs.

CONTEMPT

- A minor may not be placed in an out-of-home placement or secure care for contempt only as indicated previously.
- The court may place a minor in detention for contempt for no more than 72 hours.

JJS

- Shall establish evidence-based service throughout the state.
- Shall use a performance-based contracting system when contracting for the care, treatment, or supervision of minors.
- Observation and assessment shall be non-residential.

IMPLEMENTATION

- Effective dates of amendments in HB 239 are staggered until July 1, 2018.
- The Commission on Criminal and Juvenile Justice will be responsible for overseeing implementation and for gathering and analyzing implementation data.